

1 ***-0412/2.10* SECTION 2262.** 149.15 (3) (intro.) of the statutes is amended to
2 read:

3 149.15 (3) (intro.) The board shall ~~de~~ advise the department on all of the
4 following:

5 ***-0412/2.11* SECTION 2263.** 149.15 (3) (a) of the statutes is amended to read:

6 149.15 (3) (a) ~~Establish~~ Establishing procedures under which applicants and
7 participants may have grievances reviewed by an impartial body and reported to the
8 board.

9 ***-0412/2.12* SECTION 2264.** 149.15 (3) (c) of the statutes is amended to read:

10 149.15 (3) (c) ~~Collect~~ Determining assessments to be collected from all insurers
11 to provide for claims paid under the plan and for administrative expenses incurred
12 or estimated to be incurred during the period for which the assessment is made. The
13 level of payments shall be established as provided under s. 149.143. Assessment of
14 the insurers shall occur at the end of each calendar year or other fiscal year end
15 established by the board. Assessments are due and payable within 30 days of receipt
16 by the insurer of the assessment notice.

17 ***-0412/2.13* SECTION 2265.** 149.15 (3) (d) of the statutes is amended to read:

18 149.15 (3) (d) ~~Develop and implement~~ Developing and implementing a
19 program to publicize the existence of the plan, the eligibility requirements and
20 procedures for enrollment, and to maintain public awareness of the plan.

21 ***-0412/2.14* SECTION 2266.** 149.15 (3) (e) of the statutes is amended to read:

22 149.15 (3) (e) ~~Establish~~ Establishing for payment of covered expenses, a
23 payment rate that is 10% less than the charges approved by the plan administrator
24 for reimbursement of covered expenses under s. 149.14 (3).

25 ***-0412/2.15* SECTION 2267.** 149.15 (3) (f) of the statutes is amended to read:

1 149.15 (3) (f) ~~Advise the department on the~~ The choice of coverage under s.
2 149.146.

3 *~~-0028/7.76~~* SECTION 2268. 149.165 (4) of the statutes is amended to read:

4 149.165 (4) The department shall reimburse the plan for premium reductions
5 under sub. (2) and deductible reductions under s. 149.14 (5) (a) with moneys from the
6 appropriation under s. 20.435 (5) ~~(5)~~ (4) (ah).

7 *~~-0183/2.18~~* SECTION 2269. 150.84 (2) of the statutes is amended to read:

8 150.84 (2) "Health care facility" means a facility, as defined in s. 647.01 (4), or
9 any hospital, nursing home, community-based residential facility, county home,
10 county infirmary, county hospital, county mental health center, ~~tuberculosis~~
11 sanatorium or other place licensed or approved by the department under s. 49.70,
12 49.71, 49.72, 50.02, 50.03, 50.35, 51.08, or 51.09, ~~58.06, 252.073 or 252.076~~ or a
13 facility under s. 45.365, 51.05, 51.06, 233.40, 233.41, 233.42 or 252.10.

14 *~~-0028/7.77~~* SECTION 2270. 153.05 (6m) of the statutes is amended to read:

15 153.05 (6m) The department may contract with the group insurance board for
16 the provision of data collection and analysis services related to health maintenance
17 organizations and insurance companies that provide health insurance for state
18 employees. The department shall establish contract fees for the provision of the
19 services. All moneys collected under this subsection shall be credited to the
20 appropriation under s. 20.435 ~~(1)~~ (4) (hg).

21 *~~-0028/7.78~~* SECTION 2271. 153.60 (1) of the statutes is amended to read:

22 153.60 (1) The department shall, by the first October 1 after the
23 commencement of each fiscal year, estimate the total amount of expenditures under
24 this chapter for the department and the board for that fiscal year for data collection,
25 data base development and maintenance, generation of data files and standard

1 reports, orientation and training provided under s. 153.05 (9) and maintaining the
2 board. The department shall assess the estimated total amount for that fiscal year
3 less the estimated total amount to be received for purposes of administration of this
4 chapter under s. 20.435 ~~(1)~~ (4) (hi) during the fiscal year, the unencumbered balance
5 of the amount received for purposes of administration of this chapter under s. 20.435
6 ~~(1)~~ (4) (hi) from the prior fiscal year and the amount in the appropriation account
7 under s. 20.435 (1) (dg) for the fiscal year, to health care providers who are in a class
8 of health care providers from whom the department collects data under this chapter
9 in a manner specified by the department by rule. The department shall obtain
10 approval from the board for the amounts of assessments for health care providers
11 other than hospitals and ambulatory surgery centers. The department shall work
12 together with the department of regulation and licensing to develop a mechanism for
13 collecting assessments from health care providers other than hospitals and
14 ambulatory surgery centers. No health care provider that is not a facility may be
15 assessed under this subsection an amount that exceeds \$75 per fiscal year. Each
16 hospital shall pay the assessment on or before December 1. All payments of
17 assessments shall be deposited in the appropriation under s. 20.435 ~~(1)~~ (4) (hg).

18 ***-0028/7.79*** **SECTION 2272.** 153.60 (3) of the statutes is amended to read:

19 153.60 (3) The department shall, by the first October 1 after the
20 commencement of each fiscal year, estimate the total amount of expenditures
21 required for the collection, database development and maintenance and generation
22 of public data files and standard reports for health care plans that voluntarily agree
23 to supply health care data under s. 153.05 (6r). The department shall assess the
24 estimated total amount for that fiscal year to health care plans in a manner specified
25 by the department by rule and may enter into an agreement with the office of the

1 commissioner of insurance for collection of the assessments. Each health plan that
2 voluntarily agrees to supply this information shall pay the assessments on or before
3 December 1. All payments of assessments shall be deposited in the appropriation
4 under s. 20.435 ~~(1)~~ (4) (hg) and may be used solely for the purposes of s. 153.05 (6r).

5 ***-0028/7.80* SECTION 2273.** 153.65 of the statutes is amended to read:

6 **153.65 Provision of special information; user fees.** The department may,
7 but is not required to, provide, upon request from a person, a data compilation or a
8 special report based on the information collected by the department. The
9 department shall establish user fees for the provision of these compilations or
10 reports, payable by the requester, which shall be sufficient to fund the actual
11 necessary and direct cost of the compilation or report. All moneys collected under
12 this section shall be credited to the appropriation under s. 20.435 ~~(1)~~ (4) (hi).

13 ***-0183/2.19* SECTION 2274.** 155.01 (6) of the statutes is amended to read:

14 155.01 (6) "Health care facility" means a facility, as defined in s. 647.01 (4), or
15 any hospital, nursing home, community-based residential facility, county home,
16 county infirmary, county hospital, county mental health center, ~~tuberculosis~~
17 ~~sanatorium~~ or other place licensed or approved by the department under s. 49.70,
18 49.71, 49.72, 50.02, 50.03, 50.35, 51.08, or 51.09, ~~58.06, 252.073 or 252.076~~ or a
19 facility under s. 45.365, 51.05, 51.06, 233.40, 233.41, 233.42 or 252.10.

20 ***-0935/3.53* SECTION 2275.** 160.255 of the statutes is amended to read:

21 **160.255 Exceptions for private certain sewage systems.** (1) In this
22 section, "private exempt sewage system" ~~has the meaning given~~ means a small
23 sewage system, as defined in s. 145.01 ~~(12)~~ (14m), or a sewage system that is in
24 existence on January 1, 2000, and that would be a small sewage system except that
25 its design flow exceeds the maximum design flow specified under s. 145.02 (4) (c).

1 (2) Notwithstanding s. 160.19 (1), (2) and (4) (b), a regulatory agency is not
2 required to promulgate or amend rules that define design or management criteria
3 for ~~private~~ exempt sewage systems to minimize the amount of nitrate in
4 groundwater or to maintain compliance with the preventive action limit for nitrate.

5 (3) Notwithstanding s. 160.19 (3), a regulatory agency may promulgate rules
6 that define design or management criteria for ~~private~~ exempt sewage systems that
7 permit the enforcement standard for nitrate to be attained or exceeded at the point
8 of standards application.

9 (4) Notwithstanding s. 160.21, a regulatory agency is not required to
10 promulgate rules that set forth responses that the agency may take, or require to be
11 taken, when the preventive action limit or enforcement standard for nitrate is
12 attained or exceeded at the point of standards application if the source of the nitrate
13 is ~~a private~~ an exempt sewage system.

14 (5) Notwithstanding ss. 160.23 and 160.25, a regulatory agency is not required
15 to take any responses for a specific site at which the preventive action limit or
16 enforcement standard for nitrate is attained or exceeded at the point of standards
17 application if the source of the nitrate is ~~a private~~ an exempt sewage system.

18 ***-0689/2.9*** **SECTION 2276.** 165.017 (5) of the statutes is repealed.

19 ***-1266/3.2*** **SECTION 2277.** 165.25 (6) (f) of the statutes is created to read:

20 165.25 (6) (f) Except as provided under ss. 49.49 (6), 100.263, 133.16, 281.98,
21 283.91 (5), 289.96 (3), 292.99, 293.87 (4), 295.19 (3) (b), 299.95 and 299.97, any money
22 that is received by the department of justice under this subsection as the result of a
23 contract or understanding between the department of justice and another state
24 agency that is approved under s. 16.505 or 16.515 or as part of the biennial budget
25 act shall be credited to the appropriation under s. 20.455 (1) (km). If authority to

1 spend the money that is received by the department of justice under this subsection
2 as the result of a contract or understanding between the department of justice and
3 another state agency is not approved under s. 16.505 or 16.515 or as part of the
4 biennial budget act, the money received shall be paid into the general fund as
5 provided under s. 20.001 (4) or 165.25 (4) (d). An agency that is not enumerated in
6 this section and that does not have a contract or understanding with the department
7 of justice that is approved under s. 16.505 or 16.515 or as part of the biennial budget
8 act may not be charged for legal services provided to that agency by the department
9 of justice.

10 ***-2105/1.38* SECTION 2278.** 165.76 (1) (a) of the statutes is amended to read:

11 165.76 (1) (a) Is in prison ~~or~~ a secured correctional facility, as defined in s.
12 938.02 (15m), or a secured child caring institution, as defined in s. 938.02 (15g), or
13 a secured group home, as defined in s. 938.02 (15p), or on probation, extended
14 supervision, parole, supervision or aftercare supervision on or after
15 August 12, 1993, for any violation of s. 940.225 (1) or (2), 948.02 (1) or (2) or 948.025.

16 ***-2105/1.39* SECTION 2279.** 165.76 (2) (b) 2. of the statutes is amended to read:

17 165.76 (2) (b) 2. If the person has been sentenced to prison or placed in a secured
18 correctional facility ~~or~~ a secured child caring institution or a secured group home,
19 he or she shall provide the specimen under par. (a) at the office of a county sheriff as
20 soon as practicable after release on parole, extended supervision or aftercare
21 supervision, as directed by his or her probation, extended supervision and parole
22 agent or aftercare agent, except that the department of corrections or the county
23 department under s. 46.215, 46.22 or 46.23 operating the secured group home in
24 which the person is placed may require the person to provide the specimen while he

1 or she is in prison or in a the secured correctional facility ~~or a~~, secured child caring
2 institution or secured group home.

3 ***-1265/7.22* SECTION 2280.** 165.85 (5m) of the statutes is repealed.

4 ***-1265/7.23* SECTION 2281.** 165.87 (1) (title) of the statutes is repealed.

5 ***-1265/7.24* SECTION 2282.** 165.87 (1) (a) of the statutes is renumbered 165.87
6 and amended to read:

7 **165.87 Law enforcement training fund.** ~~Twenty-seven fifty-fifths of all~~
8 ~~moneys~~ Moneys collected from penalty assessments under ~~this section shall be~~
9 ~~credited s. 757.05 and transferred~~ to the appropriation account under s. 20.455 (2)
10 ~~(i) and utilized (kp) and (kq) shall be used in accordance with ss. 20.455 (2) and s.~~
11 ~~165.85 (5) and (5m). The moneys credited to the appropriation account under s.~~
12 ~~20.455 (2) (i), except for the moneys transferred to s. 20.455 (2) (jb), and shall~~
13 constitute the law enforcement training fund.

14 ***-1265/7.25* SECTION 2283.** 165.87 (1) (b) of the statutes is repealed.

15 ***-1265/7.26* SECTION 2284.** 165.87 (1) (bn) of the statutes is repealed.

16 ***-1554/6.7* SECTION 2285.** 165.87 (1) (bp) of the statutes is repealed.

****NOTE: This is reconciled s. 165.87 (1) (bp). This SECTION has been affected by
drafts with the following LRB numbers: 1265/5 and 1554/4.

17 ***-1265/7.27* SECTION 2286.** 165.87 (1) (br) of the statutes is repealed.

18 ***-1265/7.28* SECTION 2287.** 165.87 (1) (c) of the statutes is repealed.

19 ***-1265/7.29* SECTION 2288.** 165.87 (2) of the statutes is renumbered 757.05.

20 ***-1554/6.8* SECTION 2289.** 165.90 (4) (intro.) of the statutes is amended to
21 read:

22 165.90 (4) (intro.) If the department approves a plan, the department shall
23 certify the program as eligible to receive aid under s. 20.455 (2) ~~(d) and (hn)~~ (kt). Prior

1 to January 15, of the year for which funding is sought, the department shall
2 distribute from the appropriations under s. 20.455 (2) ~~(d) and (hn)~~ (kt) to each eligible
3 program the amount necessary to implement the plan, subject to the following
4 limitations:

5 ***-1554/6.9* SECTION 2290.** 165.90 (4) (a) of the statutes is amended to read:

6 165.90 (4) (a) A program may use funds received under s. 20.455 (2) ~~(d) or (hn)~~
7 (kt) only for law enforcement operations.

8 ***-1554/6.10* SECTION 2291.** 165.90 (4) (b) of the statutes is amended to read:

9 165.90 (4) (b) A program shall, prior to the receipt of funds under s. 20.455 (2)
10 ~~(d) or (hn)~~ (kt) for the 2nd and any subsequent year, submit a report to the
11 department regarding the performance of law enforcement activities on the
12 reservation in the previous fiscal year.

***NOTE: The three preceding SECTIONS show reconciled s. 165.90. These SECTIONS
have been affected by drafts with the following LRB numbers: 1265/5 and 1554/4.

13 ***-1164/5.2* SECTION 2292.** 166.15 (1) (f) of the statutes is amended to read:

14 166.15 (1) (f) "Nuclear incident" means any sudden or nonsudden release of
15 ionizing radiation, as defined under s. 254.31 (3g), from radioactive waste being
16 stored or disposed of in a waste repository or transported. "Nuclear incident" does
17 not include any release of radiation from radioactive waste being transported under
18 routine operations.

19 ***-1055/1.3* SECTION 2293.** 166.20 (7g) of the statutes is repealed.

20 ***-1361/3.1* SECTION 2294.** 168.12 (1) of the statutes is amended to read:

21 168.12 (1) Except as provided in subs. (1g) and (1r), there is imposed a
22 petroleum inspection fee at the rate of ~~3 cents per gallon specified in sub. (1e)~~ on all
23 petroleum products that are received by a supplier for sale in this state or for sale

1 for export to this state. The department of revenue shall determine when a
2 petroleum product is received under this subsection in the same manner that it
3 determines under s. 78.07 when motor vehicle fuel is received. The fee shall be paid
4 under s. 168.125 and shall be based on the number of gallons reported under s.
5 168.125.

6 ***-1361/3.2* SECTION 2295.** 168.12 (1e) of the statutes is created to read:

7 168.12 (1e) (a) Except as provided in par. (b), the petroleum inspection fee is
8 3 cents per gallon.

9 (b) 1. On or before January 1 of each even-numbered year, beginning with
10 January 1, 2002, the department shall determine the total amount claimed as
11 reimbursement for claims that have been submitted under s. 101.143 (3) and that are
12 unpaid as of the preceding June 30. If that total exceeds \$10,000,000, the
13 department shall increase the petroleum inspection fee, effective the following April
14 1, by the amount per gallon, rounded to the nearest 0.1 cent, that the department
15 estimates will annually generate revenue equal to the amount by which the total of
16 the unpaid claims exceeds \$10,000,000.

17 2. On or before January 1 of each even-numbered year, beginning with January
18 1, 2002, the department shall determine the unencumbered balance in the petroleum
19 inspection fund as of the preceding June 30. If that balance exceeds \$10,000,000 and
20 if no revenue obligations issued under s. 101.143 (9m) are outstanding, the
21 department shall reduce the petroleum inspection fee, effective the following April
22 1, by the amount per gallon, rounded to the nearest 0.1 cent, that the department
23 estimates will reduce the revenue raised annually by the fee in an amount equal to
24 \$5,000,000 or the amount by which that balance exceeds \$10,000,000, whichever is
25 greater.

1 3. The department shall notify the department of revenue of any change in the
2 petroleum inspection fee under this paragraph.

****NOTE: Section 101.143 (9m) is created in LRB-1432. If that draft is not included
in the budget bill, this SECTION must be changed.

3 ***-0479/2.1* SECTION 2296.** 170.12 (6) (a) of the statutes is amended to read:

4 170.12 (6) (a) The boundaries of the location where sunken logs may be raised
5 pursuant to the permit. The area covered by the permit shall be contiguous, shall
6 be contained within a single quarter section and may not exceed 160 acres. A permit
7 may not cover submerged lands that are not contained within Lake Michigan, Lake
8 Superior, Star Lake in Villas County, Boom Lake in Oneida County, Rib Lake in
9 Taylor County or the Fox River. No location may be covered by more than one permit
10 under this section.

11 ***-1808/1.1* SECTION 2297.** 177.01 (10) of the statutes is renumbered 177.01
12 (10) (a).

13 ***-1808/1.2* SECTION 2298.** 177.01 (10) (b) of the statutes is created to read:

14 177.01 (10) (b) "Intangible property" does not include a credit balance issued
15 to a commercial customer account by a business association in the ordinary course
16 of business, unless the credit balance is property described in s. 177.06 (1) or (2) held
17 by a banking organization or financial organization.

18 ***-2028/2.2* SECTION 2299.** 195.28 (2) of the statutes is amended to read:

19 195.28 (2) INSTALLATION COSTS. The cost of any signal or other crossing
20 protection device which is ordered installed under sub. (1) and the cost of installing
21 any such device shall be paid by the department from the appropriations under s.
22 20.395 (2) (gj), (gr) and (gx). This subsection applies only if, prior to the order under
23 sub. (1), the secretary of transportation or the railroad grade crossings committee

1 has recommended that the office consider improvements to the railroad grade
2 crossing as provided in 1999 Wisconsin Act ... (this act), section 9150 (1), or if,
3 regardless of the recommendation concerning the crossing, the office determines
4 that immediate improvements to the crossing are necessary to protect public safety.

5 ***-0632/1.1* SECTION 2300.** 196.02 (7m) of the statutes is created to read:

6 196.02 (7m) SUBMITTAL OF INFORMATION. (a) Notwithstanding sub. (4) (a), (b)
7 3., (6) or (7):

8 1. The commission may require a telecommunications utility to submit
9 information to the commission only if the commission reduces, to the extent
10 practicable, any burden on the telecommunications utility that results from
11 complying with the requirement.

12 2. A telecommunications utility is not required to provide any information to
13 the commission unless the commission certifies each of the following:

14 a. The information is necessary for the commission to enforce a requirement
15 under this chapter.

16 b. The information is not unnecessarily duplicative of information that is in the
17 commission's possession.

18 (b) The commission shall promulgate rules that establish requirements and
19 procedures for making a certification specified in par. (a) 2.

20 ***-0632/1.2* SECTION 2301.** 196.14 of the statutes is renumbered 196.14 (intro.)
21 and amended to read:

22 **196.14 Public record exception.** (intro.) The commission ~~may~~ shall
23 withhold from public inspection any ~~information which would~~ of the following:

24 (1) Any information that commission determines may aid a competitor of a
25 public utility in competition with the public utility.

1 ***-0632/1.3* SECTION 2302.** 196.14 (2) of the statutes is created to read:

2 196.14 (2) Any information that is designated as confidential by a public utility
3 when the public utility submits the information to the commission and that the
4 public utility shows to the satisfaction of the commission may aid a competitor of the
5 public utility.

6 ***-2027/1.1* SECTION 2303.** 196.19 (1m) (b) of the statutes is amended to read:

7 196.19 (1m) (b) A telecommunications utility may not offer a new
8 telecommunications service to the public without first filing a tariff for that offering
9 with the commission. A proposed tariff offering a new telecommunications service
10 shall be effective on the date specified in the tariff ~~but not earlier than 10 days after~~
11 ~~the date on which the tariff is filed with the commission~~, unless the commission,
12 either upon complaint or upon its own motion, suspends the operation of the new
13 tariff by serving written notice of the suspension on the telecommunications utility
14 within 10 days after the date of filing. The notice shall include a statement of the
15 reason under par. (c) upon which the commission believes the tariff may be modified.

16 ***-2027/1.2* SECTION 2304.** 196.19 (1m) (e) of the statutes is repealed.

17 ***-1976/1.1* SECTION 2305.** 196.194 (3) of the statutes is created to read:

18 196.194 (3) FIRM INCREMENT CONTRACTS. (a) In this subsection:

19 1. "Control area" means an electric power system or combination of electric
20 power systems that, as determined by the commission, is subject to a common
21 automatic control scheme.

22 2. "Firm customer" means an industrial or commercial customer of a public
23 utility that is provided firm service by the public utility.

1 3. "Firm increment" means the amount by which the estimated electric usage
2 of a firm customer for a 12-month period that is determined at the beginning of the
3 period exceeds the actual electric usage of the firm customer during the period.

4 4. "Firm service" means retail electric service that a public utility may not
5 interrupt on the basis of anticipated or actual shortages of electric capacity within
6 a control area.

7 5. "Interruptible customer" means an industrial or commercial customer of a
8 public utility that is provided interruptible service by the public utility.

9 6. "Interruptible service" means retail electric service that a public utility may
10 interrupt on the basis of anticipated or actual shortages of electric capacity within
11 a control area.

12 (b) Notwithstanding ss. 196.03, 196.19, 196.20, 196.21, 196.22, 196.37, 196.60
13 and 196.604, the commission may approve the filing of a tariff that allows a firm
14 customer to enter into contracts to sell a firm increment to an interruptible customer
15 in the same control area if the commission determines that such sales by a firm
16 customer will contribute to energy conservation and load management that are
17 designed to reduce the energy needs of firm customers.

18 (c) If the commission approves the filing of a tariff specified in par. (b) and a firm
19 customer provides written notice to the public utility that filed the tariff that the firm
20 customer has entered into a contract specified in par. (b) with an interruptible
21 customer, the public utility shall, for each unit of firm increment that the firm
22 customer sells to the interruptible customer under the contract, do each of the
23 following for the duration of the contract period:

1 1. Reduce the amount of firm service that it provides to the firm customer by
2 the amount of each unit and provide interruptible service to the firm customer in the
3 amount of each unit.

4 2. Provide firm service to the interruptible customer in amount equal to 80%
5 of each unit.

6 (d) A notice under par. (c) shall describe the terms of a contract specified in par.
7 (b), including the duration of the contract period.

8 (e) The commission shall promulgate rules establishing requirements and
9 procedures for sales of firm increment under a tariff approved under par. (b),
10 including requirements for determining an amount of firm increment.

11 ***-0250/4.11* SECTION 2306.** 196.218 (1) (a) and (b) of the statutes are repealed.

12 ***-1950/4.2* SECTION 2307.** 196.218 (3) (a) 3. of the statutes is amended to read:

13 196.218 (3) (a) 3. The commission shall designate the method by which the
14 contributions under this paragraph shall be calculated and collected. The method
15 shall ensure that the contributions are sufficient to generate the amounts
16 appropriated necessary to fully fund the appropriations under ss. 20.155 (1) (q),
17 20.275 (1) (s), (t) and (tm) and 20.285 (1) (q). Contributions may be based only on the
18 gross operating revenues from the provision of broadcast services identified by the
19 commission under subd. 2. and on intrastate telecommunications services in this
20 state of the telecommunications providers subject to the contribution.

21 ***-0250/4.12* SECTION 2308.** 196.218 (4r) (title) of the statutes is renumbered
22 44.73 (title).

23 ***-0250/4.13* SECTION 2309.** 196.218 (4r) (a) (intro.) of the statutes is repealed.

24 ***-0250/4.14* SECTION 2310.** 196.218 (4r) (a) 1. of the statutes is renumbered
25 44.70 (1m).

1 ***-0250/4.15* SECTION 2311.** 196.218 (4r) (a) 2. and 2m. of the statutes are
2 renumbered 44.70 (3g) and (3j).

3 ***-0250/4.16* SECTION 2312.** 196.218 (4r) (a) 3. of the statutes is renumbered
4 44.70 (6).

5 ***-0250/4.17* SECTION 2313.** 196.218 (4r) (b) of the statutes is renumbered
6 44.73 (1) and amended to read:

7 44.73 (1) The ~~commission board~~, in consultation with the department ~~and the~~
8 ~~board~~, shall promulgate rules establishing an educational telecommunications
9 access program to provide ~~school districts, private schools, cooperative educational~~
10 ~~service agencies, technical college districts, private colleges and public library~~
11 ~~boards~~ educational agencies with access to data lines and video links.

12 ***-0250/4.18* SECTION 2314.** 196.218 (4r) (c) (intro.), 1., 2., 3. and 4. of the
13 statutes are renumbered 44.73 (2) (intro.), (a), (b), (c) and (d) and amended to read:

14 44.73 (2) (intro.) The rules promulgated under ~~par. (b)~~ sub. (1) shall do all of
15 the following:

16 (a) Allow ~~a school district, private school, cooperative educational service~~
17 ~~agency, technical college district, private college and public library board~~ an
18 educational agency to make a request to the board for access to either one data line
19 or one video link, except that if any educational agency may request access to
20 additional data lines if the agency shows to the satisfaction of the board that the
21 additional data lines are more cost-effective than a single data line and except that
22 a school district that operates more than one high school ~~the rules shall allow the~~
23 ~~school district to~~ may request access to both a data line and a video link and ~~to request~~
24 access to more than one data line or video link. ~~The board shall forward requests~~
25 ~~received under this subdivision to the commission and the department.~~

SECTION 2314

1 (b) Establish eligibility requirements for a ~~school district, private school,~~
2 ~~cooperative educational service agency, technical college district, private college and~~
3 ~~public library board~~ an educational agency to participate in the program established
4 under ~~par. (b)~~. The requirements shall ~~prohibit a participant in the program from~~
5 ~~receiving assistance from the universal service fund for the purpose specified in sub.~~
6 ~~(5) (a) 3. for educational telecommunications access that is substantially similar to~~
7 ~~the access provided to the participant under the program~~ sub. (1).

****NOTE: This is reconciled s. 44.73 (2) (b). This SECTION has been affected by drafts
with the following LRB numbers: LRB-1950/3 (which amends s. 196.218 (4r) (c) 2.) and
LRB-0250/3.

8 (c) Establish specifications for a data ~~line or lines and video link that links for~~
9 ~~which access is provided to a school district, private school, cooperative educational~~
10 ~~service agency, technical college district, private college and public library board~~ an
11 educational agency under the program established under ~~par. (b)~~ sub. (1).

12 (d) Require a ~~school district, private school, cooperative educational service~~
13 ~~agency, technical college district, private college and public library board~~ an
14 educational agency to pay the department not more than \$250 per month for each
15 data line or video link that is provided to the ~~school district, private school,~~
16 ~~cooperative educational service agency, technical college district, private college and~~
17 ~~public library board~~ educational agency under the program established under ~~par.~~
18 ~~(b) sub. (1)~~, except that the charge may not exceed \$100 per month for each data line
19 or video link that relies on a transport medium that operates at a speed of 1.544
20 megabits per second.

21 ***-0250/4.19* SECTION 2315.** 196.218 (4r) (c) 5. of the statutes is renumbered
22 44.73 (2) (e).

1 ***-0250/4.20*** **SECTION 2316.** 196.218 (4r) (d) of the statutes is renumbered
2 44.73 (3) and amended to read:

3 44.73 (3) The ~~commission~~ board shall submit an annual report to the ~~board~~
4 department on the status of providing data lines and video links that are requested
5 under ~~par. (e) 1.~~ sub. (2) (a) and the impact on the universal service fund of any
6 payment under ~~sub. (5) (a) 5.~~ contracts under s. 16.974 (7).

7 ***-0250/4.21*** **SECTION 2317.** 196.218 (4r) (e) of the statutes is renumbered
8 44.73 (4) and amended to read:

9 44.73 (4) If the federal communications commission promulgates or modifies
10 rules that provide rate discounts for telecommunications services to ~~school districts,~~
11 ~~private schools, cooperative educational service agencies, technical college districts,~~
12 ~~private colleges or public library boards~~ educational agencies under 47 USC 254, the
13 governor shall submit a report to the joint committee on finance that includes any
14 recommended changes to statutes or rules with respect to funding the program
15 established under ~~par. (b)~~ sub. (1).

16 ***-0250/4.22*** **SECTION 2318.** 196.218 (4r) (f) of the statutes is renumbered
17 44.73 (5) and amended to read:

18 44.73 (5) Notwithstanding ~~pars. (b) and (e)~~ subs. (1) and (2), technical college
19 districts are not eligible to participate in the program established under ~~par. (b)~~ sub.
20 (1) before April 1, 1998. ~~In consultation with the commission, the~~ The board shall
21 determine by April 1, 1998, whether there are sufficient moneys in the appropriation
22 under s. 20.275 (1) ~~(s)~~ (t) to include technical college districts in the program
23 established under ~~par. (b)~~ sub. (1). If the board determines that there are sufficient
24 moneys, technical college districts are eligible to participate in the program
25 established under ~~par. (b)~~ sub. (1) beginning on April 1, 1998.

SECTION 2318

****NOTE: This is reconciled s. 44.73 (5). This SECTION has been affected by drafts with the following LRB numbers: LRB-1505/3 (which amends s. 196.218 (4r) (f) and LRB-0250/3.

1 ***-0250/4.23* SECTION 2319.** 196.218 (4r) (g) of the statutes is renumbered
2 44.73 (6) and amended to read:

3 44.73 (6) From the appropriation under s. 20.275 (1) (s) or (tm), the board may
4 award an annual grant to a school district or private school that had in effect on
5 October 14, 1997, a contract for access to a data line or video link, as documented by
6 the ~~commission~~ board. The board shall determine the amount of the grant, which
7 shall be equal to the cost incurred by the state to provide telecommunications access
8 to a school district or private school under a contract entered into under s. 16.974 (7)
9 (a) or (c) less the amount that the school district or private school would be paying
10 under ~~par. (e) 4. sub. (2) (d)~~ if the school district or private school were participating
11 in the program established under ~~par. (b) sub. (1)~~, except that the amount may not
12 be greater than the cost that a school district or private school incurs under the
13 contract in effect on October 14, 1997. A school district or private school receiving
14 a grant under this ~~paragraph subsection~~ is not eligible to participate in the program
15 under ~~par. (b) sub. (1)~~. No grant may be awarded under this ~~paragraph subsection~~
16 after June 30, 2002.

17 ***-1950/4.3* SECTION 2320.** 196.218 (5) (a) 3. of the statutes is repealed.

18 ***-1508/2.3* SECTION 2321.** 196.218 (5) (a) 5. of the statutes is amended to read:

19 196.218 (5) (a) 5. To pay costs incurred under contracts under s. 16.974 (7) to
20 the extent that these costs are not paid under ~~sub. (4r) (e) 4. s. 44.73 (2) (d)~~, except
21 that no moneys in the universal service fund may be used to pay installation costs
22 that are necessary for a political subdivision to obtain access to bandwidth under a
23 shared service agreement under s. 44.73 (2r) (a).

****NOTE: This is reconciled s. 196.218 (5) (a) 5. This SECTION has been affected by drafts with the following LRB numbers: LRB-0250/3.

1 ***-0250/4.24* SECTION 2322.** 196.218 (5) (a) 7. of the statutes is amended to
2 read:

3 196.218 (5) (a) 7. To make grants awarded by the technology for educational
4 achievement in Wisconsin board to school districts and private schools under sub.
5 (4r) (g) s. 44.73 (6). This subdivision does not apply after June 30, 2002.

6 ***-0250/4.25* SECTION 2323.** 196.218 (5m) of the statutes is amended to read:
7 196.218 (5m) RULE REVIEW. ~~Except for rules promulgated under sub. (4r) (b),~~
8 ~~at~~ At least biennially, the commission shall review and revise as appropriate rules
9 promulgated under this section.

10 ***-0250/4.26* SECTION 2324.** 196.218 (6) (b) of the statutes is amended to read:
11 196.218 (6) (b) The universal service fund council shall advise the commission
12 concerning the administration of this section and the content of rules promulgated
13 under this section. ~~This paragraph does not apply to the administration of sub. (4r)~~
14 ~~and rules promulgated under sub. (4r) (b).~~

15 ***-0631/1.1* SECTION 2325.** 196.315 of the statutes is created to read:

16 **196.315 Prohibitions in certain proceedings.** (1) No person may make
17 any filing, including a complaint, in a proceeding under s. 196.26, 196.28 or 196.30
18 unless there is a nonfrivolous basis for doing so. A person may not make any filing,
19 including a complaint, in a proceeding under s. 196.26, 196.28 or 196.30 unless, to
20 the best of the person's knowledge, information and belief, formed after a reasonable
21 inquiry, all of the following conditions are satisfied:

22 (a) The filing is reasonably supported by applicable law.

1 (b) The allegations and other factual contentions in the filing have evidentiary
2 support or, if specifically so identified in the filing, are likely to have evidentiary
3 support after reasonable opportunity for further investigation or discovery.

4 (c) The filing is not intended to harass any other party to the proceeding.

5 (d) The filing is not intended to create a needless increase in the cost of
6 litigation.

7 (2) No later than 60 days after a complaint is filed under s. 196.26 or 196.30,
8 the commission shall determine whether the complaint has been filed in violation of
9 sub. (1). If, after notice and opportunity for hearing, the commission determines
10 under this subsection that a person has filed a complaint in violation of sub. (1), the
11 commission shall terminate the proceeding on the complaint and proceed under sub.
12 (4).

13 (3) If, at any time during a proceeding under s. 196.26, 196.28 or 196.30, the
14 commission determines, after notice and reasonable opportunity to be heard, that a
15 person has made a filing in violation of sub. (1), including the filing of a complaint,
16 the commission shall proceed under sub. (4).

17 (4) If the commission determines that a person has violated sub. (1), the
18 commission shall order the person to pay to any party to the proceeding the amount
19 of reasonable expenses incurred by that party because of the filing, including
20 reasonable attorney fees, and the commission may directly assess a forfeiture
21 against the person of not less than \$25 nor more than \$5,000. A person against whom
22 the commission assesses a forfeiture under this subsection shall pay the forfeiture
23 to the commission within 10 days after receipt of notice of the assessment or, if the
24 person petitions for judicial review under ch. 227, within 10 days after receipt of the
25 final decision after exhaustion of judicial review. The commission shall remit all

1 forfeitures paid under this subsection to the state treasurer for deposit in the school
2 fund. The attorney general may bring an action in the name of the state to collect
3 any forfeiture assessed by the commission under this subsection that has not been
4 paid as provided in this subsection. The only contestable issue in such an action is
5 whether or not the forfeiture has been paid.

6 ***-2027/1.3* SECTION 2326.** 196.77 of the statutes is amended to read:

7 **196.77 Promotional rates.** Except as provided in this section, nothing in this
8 chapter prohibits a telecommunications utility from filing a tariff to make a limited
9 offering of promotional rates. A promotional rate under this section shall take effect
10 automatically at the time specified in the tariff ~~but not earlier than 10 days after the~~
11 ~~date the tariff is filed with the commission~~ unless the commission ~~authorizes an~~
12 ~~earlier effective date or~~ suspends the tariff within 10 days after the date on which
13 it is filed. The commission may suspend a tariff if it believes that the tariff violates
14 s. 196.204, 196.209 or 196.219. If the commission suspends a tariff, it shall
15 investigate and resolve the matter within 60 days after the date on which the tariff
16 is suspended or the tariff shall be effective as filed.

17 ***-1836/2.11* SECTION 2327.** 214.01 (1) (im) of the statutes is amended to read:

18 214.01 (1) (im) "Division" means the division of savings and loan institutions.

19 ***-1836/2.12* SECTION 2328.** 214.592 of the statutes is amended to read:

20 **214.592 Financially related services tie-ins.** In any transaction conducted
21 by a savings bank, a savings bank holding company or a subsidiary of either with a
22 customer who is also a customer of any other subsidiary of any of them, the customer
23 shall be given a notice in 12-point boldface type in substantially the following form:

24 NOTICE OF RELATIONSHIP

This company, ... (insert name and address of savings bank, savings bank holding company or subsidiary), is related to ... (insert name and address of savings bank, savings bank holding company or subsidiary) of which you are also a customer. You may not be compelled to buy any product or service from either of the above companies or any other related company in order to participate in this transaction.

If you feel that you have been compelled to buy any product or service from either of the above companies or any other related company in order to participate in this transaction, you should contact the management of either of the above companies at either of the above addresses or the division of savings ~~and loan~~ institutions at (insert address).

***-1836/2.13* SECTION 2329.** 215.01 (6) of the statutes is amended to read:

215.01 (6) "Division" means the division of savings and loan institutions.

***-1836/2.14* SECTION 2330.** 215.02 (title) of the statutes is amended to read:

215.02 (title) Division of savings and loan institutions.

***-1836/2.15* SECTION 2331.** 215.141 of the statutes is amended to read:

215.141 Financially related services tie-ins. In any transaction conducted by an association, a savings and loan holding company or a subsidiary of either with a customer who is also a customer of any other subsidiary of any of them, the customer shall be given a notice in 12-point boldface type in substantially the following form:

NOTICE OF RELATIONSHIP

This company, (insert name and address of association, savings and loan holding company or subsidiary), is related to (insert name and address of association, savings and loan holding company or subsidiary) of which you are also a customer. You may not be compelled to buy any product or service from either of

1 the above companies or any other related company in order to participate in this
2 transaction.

3 If you feel that you have been compelled to buy any product or service from
4 either of the above companies or any other related company in order to participate
5 in this transaction, you should contact the management of either of the above
6 companies at either of the above addresses or the division of savings and loan
7 institutions at (insert address).

8 ***-1085/4.5* SECTION 2332.** 218.015 (7) of the statutes is amended to read:

9 218.015 (7) In Except as provided in s. 893.83, in addition to pursuing any other
10 remedy, a consumer may bring an action to recover for any damages caused by a
11 violation of this section. The court shall award a consumer who prevails in such an
12 action twice the amount of any pecuniary loss, together with costs, disbursements
13 and reasonable attorney fees, and any equitable relief the court determines
14 appropriate.

15 ***-1836/2.16* SECTION 2333.** 220.04 (9) (a) 2. of the statutes is amended to read:

16 220.04 (9) (a) 2. "Regulated entity" means a bank, universal bank, trust
17 company bank and any other entity which is described in s. 220.02 (2) or 221.0526
18 as under the supervision and control of the division.

19 ***-1836/2.17* SECTION 2334.** 221.0303 (2) of the statutes is amended to read:

20 221.0303 (2) OPERATION AND ACQUISITION OF CUSTOMER BANK COMMUNICATIONS
21 TERMINALS. A bank may, directly or indirectly, acquire, place and operate, or
22 participate in the acquisition, placement and operation of, at locations other than its
23 main or branch offices, customer bank communications terminals, in accordance
24 with rules established by the division. The rules of the division shall provide that
25 any such customer bank communications terminal shall be available for use, on a

1 nondiscriminatory basis, by any state or national bank and by all customers
2 designated by a bank using the terminal. This subsection does not authorize a bank
3 which has its principal place of business outside this state to conduct banking
4 business in this state. The customer bank communications terminals also shall be
5 available for use, on a nondiscriminatory basis, by any credit union, savings and loan
6 association or savings bank, if the credit union, savings and loan association or
7 savings bank requests to share its use, subject to rules jointly established by the
8 division of banking, the office of credit unions and the division of savings ~~and loan~~
9 institutions. The division by order may authorize the installation and operation of
10 a customer bank communications terminal in a mobile facility, after notice and
11 hearing upon the proposed service stops of the mobile facility.

12 *~~1836/2.18~~* SECTION 2335. 221.0321 (5) of the statutes is amended to read:

13 221.0321 (5) CERTAIN SECURED LOANS. A bank may make loans secured by
14 assignment or transfer of stock certificates or other evidence of the borrower's
15 ownership interest in a corporation formed for the cooperative ownership of real
16 estate. Sections 846.10 and 846.101, as they apply to a foreclosure of a mortgage
17 involving a one-family residence, apply to a proceeding to enforce the lender's rights
18 in security given for a loan under this subsection. The division shall promulgate joint
19 rules with the office of credit unions and the division of savings ~~and loan~~ institutions
20 that establish procedures for enforcing a lender's rights in security given for a loan
21 under this subsection.

22 *~~1836/2.19~~* SECTION 2336. Chapter 222 of the statutes is created to read:

23 CHAPTER 222

24 UNIVERSAL BANKS

SUBCHAPTER I

GENERAL PROVISIONS

222.0101 Title. This chapter may be cited as the “Wisconsin universal bank law”.

222.0102 Definitions. In this chapter:

(1) “Adequately capitalized” has the meaning given in 12 USC 1831o (b) (1) (B).

(2) “Capital” of a universal bank means the sum of the following, less the amount of intangible assets that is not considered to be qualifying capital by a deposit insurance corporation or the division:

(a) For a universal bank organized as a stock organization, the universal bank’s capital stock, preferred stock, undivided profits, surplus, outstanding notes and debentures approved by the division, other forms of capital designated as capital by the division and other forms of capital considered to be qualifying capital of the universal bank by a deposit insurance corporation.

(b) For a universal bank organized as a mutual organization, the universal bank’s net worth, undivided profits, surplus, outstanding notes and debentures approved by the division, other forms of capital designated as capital by the division and other forms of capital considered to be qualifying capital by a deposit insurance corporation.

(3) “Deposit insurance corporation” means the Federal Deposit Insurance Corporation or other instrumentality of, or corporation chartered by, the United States that insures deposits of financial institutions and that is supported by the full faith and credit of the U.S. government as stated in a congressional resolution.

(4) “Division” means the division of banking.

1 (5) "Financial institution" means a state savings bank organized under ch. 214,
2 state savings and loan association organized under ch. 215 or a state bank chartered
3 under ch. 221.

4 (6) "Universal bank" means a financial institution that has been issued a
5 certificate of authority under s. 222.0205.

6 (7) "Well-capitalized" has the meaning given in 12 USC 1831o (b) (1) (A).

7 **222.0103 Applicability. (1) SAVINGS BANKS.** A universal bank that is a savings
8 bank organized under ch. 214 remains subject to all of the requirements, duties and
9 liabilities, and may exercise all of the powers, of a savings bank, except that in the
10 event of a conflict between this chapter and those requirements, duties, liabilities or
11 powers, this chapter shall control.

12 **(2) SAVINGS AND LOAN ASSOCIATIONS.** A universal bank that is a savings and loan
13 association organized under ch. 215 remains subject to all of the requirements,
14 duties and liabilities, and may exercise all of the powers, of a savings and loan
15 association, except that, in the event of a conflict between this chapter and those
16 requirements, duties, liabilities or powers, this chapter shall control.

17 **(3) BANKS.** A universal bank that is a bank chartered under ch. 221 remains
18 subject to all of the requirements, duties and liabilities, and may exercise all of the
19 powers, of a bank, except that, in the event of a conflict between this chapter and
20 these requirements, duties, liabilities or powers, this chapter shall control.

21 **222.0105 Fees.** The division may establish such fees as it determines are
22 appropriate for documents filed with the division under this chapter and for services
23 provided by the division under this chapter.

24 **222.0107 Administration. (1) POWERS OF DIVISION.** The division shall
25 administer this chapter for all universal banks.

(2) **RULE-MAKING AUTHORITY.** The division may promulgate rules to administer and carry out this chapter. The division may establish additional limits or requirements on universal banks, if the division determines that the limits or requirements are necessary for the protection of depositors, members, investors or the public.

SUBCHAPTER II

CERTIFICATION

222.0201 Procedure. (1) APPLICATION. A financial institution may apply to become certified as a universal bank by filing a written application with the division. The application shall include such information as the division may require. The application shall be on such forms and in accordance with such procedures as the division may prescribe.

(2) REVIEW BY DIVISION. An application submitted to the division shall either be approved or disapproved by the division in writing within 60 days after its submission to the division. The division and the financial institution may mutually agree to extend the application period for an additional period of 60 days.

222.0203 Eligibility. (1) **REQUIREMENTS.** The division shall approve an application for certification as a universal bank, if the applying financial institution meets all of the following requirements:

(a) The financial institution is chartered or organized, and regulated, under ch. 214, 215 or 221 and has been in existence and continuous operation for a minimum of 3 years prior to the date of the application.

(b) The financial institution is well-capitalized or adequately capitalized.

(c) The financial institution does not exhibit a combination of financial, managerial, operational and compliance weaknesses that is moderately severe or

1 unsatisfactory, as determined by the division based upon the division's assessment
2 of the financial institution's capital adequacy, asset quality, management capability,
3 earnings quantity and quality, adequacy of liquidity, and sensitivity to market risk.

4 (d) During the 12-month period prior to the application, the financial
5 institution has not been the subject of an enforcement action and there is no
6 enforcement action pending against the financial institution by any state or federal
7 financial institution regulatory agency, including the division.

8 (2) FAILURE TO MAINTAIN COMPLIANCE. For any period during which a universal
9 bank fails to meet the requirements under sub. (1), the division may by order limit
10 or restrict the exercise of the powers of the universal bank under this chapter.

11 **222.0205 Certificate of authority.** Upon approval of the application under
12 s. 222.0201 for certification as a universal bank, the division shall issue to the
13 applicant a certificate of authority stating that the financial institution is certified
14 as a universal bank under this chapter.

15 **222.0207 Decertification.** A financial institution that is certified as a
16 universal bank under this chapter may elect to terminate its certification upon 60
17 days' prior written notice to the division and written approval of the division. The
18 financial institution shall, as a condition to the termination, terminate its exercise
19 of all powers granted under this chapter prior to the termination of the certification.
20 Written approval of the termination by the division is void if the financial institution
21 fails to satisfy the precondition to termination under this section.

22 SUBCHAPTER III

23 ORGANIZATION

24 **222.0301 Articles of incorporation and bylaws.** A universal bank shall
25 continue to operate under its articles of incorporation and bylaws as in effect prior

1 to certification as a universal bank or as such articles or bylaws may be subsequently
2 amended in accordance with the provisions of the chapter under which the universal
3 bank was organized or chartered.

4 **222.0303 Name.** (1) USE OF “BANK”. Notwithstanding ss. 214.035, 215.40 (1)
5 and 215.60 (1) and subject to subs. (2) and (4), a universal bank may use the word
6 “bank” in its name, without having to include the word “savings”. Notwithstanding
7 ss. 215.40 (1) and 215.60 (1) and subject to subs. (2) and (4), a universal bank that
8 is organized under ch. 215 and that uses the word “bank” in its name in accordance
9 with this section need not include the words “savings and loan association” or
10 “savings association” in its name.

11 (2) DISTINGUISHABILITY. Except as provided in subs. (3) and (4), the name of the
12 universal bank shall be distinguishable upon the records of the division from all of
13 the following names:

14 (a) The name of any other financial institution organized under the laws of this
15 state.

16 (b) The name of a national bank or foreign bank authorized to transact business
17 in this state.

18 (3) EXCEPTIONS. A universal bank may apply to the division for authority to use
19 a name that does not meet the requirement under sub. (2). The division may
20 authorize the use of the name if any of the conditions under s. 221.0403 (2) (a) or (b)
21 is met.

22 (4) USE OF SAME NAME. A universal bank may use a name that is used in this
23 state by another financial institution or by an institution authorized to transact
24 business in this state, if the universal bank has done any of the following:

25 (a) Merged with the other institution.

1 (b) Been formed by reorganization of the other institution.

2 (c) Acquired all or substantially all of the assets, including the name, of the
3 other institution.

4 **222.0305 Capital and assets. (1) CAPITAL REQUIREMENTS.** Notwithstanding
5 subch. VI of ch. 214 and ss. 215.24 and 221.0205, the division shall determine the
6 minimum capital requirements of universal banks.

7 **(2) CERTAIN ASSET REQUIREMENTS.** Section 214.045 does not apply to universal
8 banks.

9 **222.0307 Acquisitions, mergers and asset purchases. (1) IN GENERAL.** A
10 universal bank may, with the approval of the division, purchase the assets of, merge
11 with, acquire or be acquired by any other financial institution, universal bank,
12 national bank, federally chartered savings bank or savings and loan association, or
13 by a holding company of any of these entities. Notwithstanding subch. III of ch. 214
14 and ss. 214.09 and 215.36, the approval of the division of savings institutions is not
15 required.

16 **(2) APPLICATIONS FOR APPROVAL.** An application for approval under sub. (1) shall
17 be submitted on a form prescribed by the division and accompanied by a fee
18 determined by the division. In processing and acting on applications under this
19 section the division shall apply the following standards:

20 (a) For universal banks organized under ch. 214, ss. 214.09, 214.62 to 214.64
21 and 214.665 and subch. III of ch. 214.

22 (b) For universal banks organized under ch. 215, ss. 215.35, 215.36, 215.53 and
23 215.73.

24 (c) For universal banks chartered under ch. 221, subchs. VII and IX of ch. 221.

SUBCHAPTER IV

POWERS

222.0401 Federal financial institution powers. (1) IN GENERAL. Subject to the limitations in this section, universal banks may exercise all powers that may be exercised, directly or indirectly through a subsidiary, by a federally chartered savings bank, a federally chartered savings and loan association, a federally chartered national bank or by an affiliate of such an institution.

(2) REQUIRED NOTIFICATION FOR EXERCISE OF A FEDERAL POWER. A universal bank shall give 60 days' prior written notice to the division of the universal bank's intention to exercise a power under this section.

(3) EXERCISE OF FEDERAL POWERS THROUGH A SUBSIDIARY. The division may require that certain powers exercisable by universal banks under this section be exercised through a subsidiary of the universal bank with appropriate safeguards to limit the risk exposure of the universal bank.

222.0403 Loan powers. (1) PERMITTED PURPOSES. A universal bank may make, sell, purchase, arrange, participate in, invest in or otherwise deal in loans or extensions of credit for any purpose.

(2) IN GENERAL. Except as provided in subs. (3) to (8), the total liabilities of any person, other than a municipal corporation, to a universal bank for a loan or extension of credit may not exceed 20% of the capital of the universal bank at any time. In determining compliance with this section, liabilities of a partnership includes the liabilities of the general partners, computed individually as to each general partner on the basis of his or her direct liability.

1 (3) CERTAIN SECURED LIABILITIES. The percentage limitation under sub. (2) is
2 50% of the universal bank's capital, if the liabilities under sub. (2) are limited to the
3 following types of liabilities:

4 (a) *Warehouse receipts*. A liability secured by warehouse receipts issued by
5 warehouse keepers who are licensed and bonded in this state under ss. 99.02 and
6 99.03 or under the federal Bonded Warehouse Act or who hold a registration
7 certificate under ch. 127, if all of the following requirements are met:

- 8 1. The receipts cover readily marketable nonperishable staples.
9 2. The staples are insured, if it is customary to insure the staples.
10 3. The market value of the staples is not, at any time, less than 140% of the face
11 amount of the obligation.

12 (b) *Certain bonds or notes*. A liability in the form of a note or bond that meets
13 any of the following qualifications:

14 1. The note or bond is secured by not less than a like amount of bonds or notes
15 of the United States issued since April 24, 1917, or certificates of indebtedness of the
16 United States.

17 2. The note or bond is secured or covered by guarantees or by commitments or
18 agreements to take over, or to purchase, the bonds or notes, and the guarantee,
19 commitment or agreement is made by a federal reserve bank, the federal small
20 business administration, the federal department of defense or the federal maritime
21 commission.

22 3. The note or bond is secured by mortgages or trust deeds insured by the
23 federal housing administration.

24 (4) OBLIGATIONS OF LOCAL GOVERNMENTAL UNITS. (a) *Definition*. In this
25 subsection, "local governmental unit" has the meaning given in s. 16.97 (7).

1 (b) *General limitation.* Except as otherwise provided in this subsection, the
2 total liabilities of a local governmental unit to a universal bank for money borrowed
3 may not, at any time, exceed 25% of the capital of the universal bank.

4 (c) *Revenue obligations.* Liabilities in the form of revenue obligations of a local
5 governmental unit are subject to the limitations provided in par. (b). In addition, a
6 universal bank is permitted to invest in a general obligation of that local
7 governmental unit in an amount that will bring the combined total of the general
8 obligations and revenue obligations of a single local governmental unit to a sum not
9 in excess of 50% of the capital of the universal bank.

10 (d) *General obligations.* If the liabilities of the local governmental unit are in
11 the form of bonds, notes or other evidences of indebtedness that are a general
12 obligation of a local governmental unit, the total liability of the local governmental
13 unit may not exceed 50% of the capital of the universal bank.

14 (e) *Temporary borrowings.* The total amount of temporary borrowings of any
15 local governmental unit maturing within one year after the date of issue may not
16 exceed 60% of the capital of the universal bank. Temporary borrowings and
17 longer-term general obligation borrowings of a single local governmental unit may
18 be considered separately in determining compliance with this subsection.

19 (5) OBLIGATIONS OF CERTAIN INTERNATIONAL ORGANIZATIONS; OTHER FOREIGN BONDS.
20 A universal bank may purchase bonds offered for sale by the International Bank for
21 Reconstruction and Development and the Inter-American Development Bank or
22 such other foreign bonds as may be approved under rules established by the division.
23 At no time shall the aggregate investment in any of these bonds issued by a single
24 issuer exceed 10% of the capital of the universal bank.

1 (6) FOREIGN NATIONAL GOVERNMENT BONDS. A universal bank may purchase
2 general obligation bonds issued by any foreign national government if the bonds are
3 payable in United States funds. The aggregate investment in these foreign bonds
4 may not exceed 3% of the capital of the universal bank, except that this limitation
5 does not apply to bonds of the Canadian government and Canadian provinces that
6 are payable in United States funds.

7 (7) LIMITS ESTABLISHED BY BOARD. (a) *When financial statements required.* A
8 universal bank may not make or renew a loan or loans, the aggregate total of which
9 exceeds the level established by the board of directors without being supported by a
10 signed financial statement of the borrower, unless the loan is secured by collateral
11 having a value in excess of the amount of the loan. A signed financial statement
12 furnished by the borrower to a universal bank in compliance with this paragraph
13 must be renewed annually as long as the loan or any renewal of the loan remains
14 unpaid and is subject to this paragraph.

15 (b) *Treatment of loans complying with limits.* A loan or a renewal of a loan made
16 by a universal bank in compliance with par. (a), without a signed financial statement,
17 may be treated by the universal bank as entirely independent of any secured loan
18 made to the same borrower if the loan does not exceed the limitations provided in this
19 section.

20 (8) EXCEPTIONS. This section does not apply to any of the following:

21 (a) *Liabilities secured by certain short-term federal obligations.* A liability that
22 is secured by not less than a like amount of direct obligations of the United States
23 which will mature not more than 18 months after the date on which such liabilities
24 to the universal bank are entered into.

1 (b) *Certain federal and state obligations or guaranteed obligations.* A liability
2 that is a direct obligation of the United States or this state, or an obligation of any
3 governmental agency of the United States or this state, that is fully and
4 unconditionally guaranteed by the United States or this state.

5 (c) *Commodity Credit Corporation liabilities.* A liability in the form of a note,
6 debenture or certificate of interest of the Commodity Credit Corporation.

7 (d) *Discounting bills of exchange or business or commercial paper.* A liability
8 created by the discounting of bills of exchange drawn in good faith against actually
9 existing values or the discounting of commercial or business paper actually owned
10 by the person negotiating the same.

11 (e) *Certain other federal or federally guaranteed obligations.* In obligations of,
12 or obligations that are fully guaranteed by, the United States and in obligations of
13 any federal reserve bank, federal home loan bank, the Student Loan Marketing
14 Association, the Government National Mortgage Association, the Federal National
15 Mortgage Association, the Federal Home Loan Mortgage Corporation, the
16 Export-Import Bank of Washington or the Federal Deposit Insurance Corporation.

17 (9) **ADDITIONAL AUTHORITY.** (a) *In general.* In addition to the authority granted
18 under subs. (1) to (8), and except as provided in par. (b), a universal bank may lend
19 under this subsection, through the universal bank or subsidiary of the universal
20 bank, to all borrowers from the universal bank and all of its subsidiaries, an
21 aggregate amount not to exceed 20% of the universal bank's capital. Neither a
22 universal bank nor any subsidiary of the universal bank may lend to any borrower,
23 under this subsection and any other law or rule, an amount that would result in an
24 aggregate amount for all loans to that borrower that exceeds 20% of the universal
25 bank's capital. A universal bank or its subsidiary may take an equity position or

1 other form of interest as security in a project funded through such loans. Every
2 transaction by a universal bank or its subsidiary under this subsection shall require
3 prior approval by the governing board of the universal bank or its subsidiary,
4 respectively. Such loans are not subject to s. 221.0326 or to classification as losses,
5 for a period of 3 years from the date of each loan except as provided in par. (b).

6 (b) *Suspension of additional authority.* The division may suspend authority
7 established under this subsection and, in such case, may specify how an outstanding
8 loan shall be treated by the universal bank or its subsidiary. Among the factors that
9 the division may consider in suspending authority under this subsection are the
10 universal bank's capital adequacy, asset quality, earnings quantity, earnings quality,
11 adequacy of liquidity and sensitivity to market risk and the ability of the universal
12 bank's management.

13 **222.0405 Investment powers.** (1) INVESTMENT SECURITIES. Except as
14 provided in subs. (3) to (8), a universal bank may purchase, sell, underwrite and hold
15 investment securities, consistent with safe and sound banking practices, up to 100%
16 of the universal bank's capital. A universal bank shall not invest greater than 20%
17 of the universal bank's capital in the investment securities of one obligor or issuer.
18 In this subsection, "investment securities" includes commercial paper, banker's
19 acceptances, marketable securities in the form of bonds, notes, debentures and
20 similar instruments that are regarded as investment securities.

21 (2) EQUITY SECURITIES. Except as provided in subs. (3) to (8), a universal bank
22 may purchase, sell, underwrite and hold equity securities, consistent with safe and
23 sound banking practices, up to 20% of capital or, if approved by the division in
24 writing, a greater percentage of capital.

1 **(3) HOUSING ACTIVITIES.** With the prior written consent of the division, a
2 universal bank may invest in the initial purchase and development, or the purchase
3 or commitment to purchase after completion, of home sites and housing for sale or
4 rental, including projects for the reconstruction, rehabilitation or rebuilding of
5 residential properties to meet the minimum standards of health and occupancy
6 prescribed for a local governmental unit, the provision of accommodations for retail
7 stores, shops and other community services that are reasonably incident to that
8 housing, or in the stock of a corporation that owns one or more of those projects and
9 that is wholly owned by one or more financial institutions. The total investment in
10 any one project may not exceed 15% of the universal bank's capital, nor may the
11 aggregate investment under this subsection exceed 50% of capital. A universal bank
12 may not make an investment under this subsection unless it is in compliance with
13 the capital requirements set by the division under s. 222.0305 (1) and with the capital
14 maintenance requirements of its deposit insurance corporation.

15 **(4) PROFIT-PARTICIPATION PROJECTS.** A universal bank may take equity positions
16 in profit-participation projects, including projects funded through loans from the
17 universal bank, in an aggregate amount not to exceed 20% of capital. The division
18 may suspend the investment authority under this subsection. If the division
19 suspends the investment authority under this subsection, the division may specify
20 how outstanding investments under this subsection shall be treated by the universal
21 bank or its subsidiary. Among the factors that the division may consider in
22 suspending authority under this subsection are the universal bank's capital
23 adequacy, asset quality, earnings quantity, earnings quality, adequacy of liquidity
24 and sensitivity to market risk and the ability of the universal bank's management.

1 This subsection does not authorize a universal bank, directly or indirectly through
2 a subsidiary, to engage in the business of underwriting insurance.

3 (5) DEBT INVESTMENTS. A universal bank may invest in bonds, notes, obligations
4 and liabilities described under s. 222.0403 (3) to (7), subject to the limitations under
5 those subsections.

6 (6) CERTAIN LIABILITIES. This section does not limit investment in the
7 liabilities described in s. 222.0403 (8).

8 (7) CERTAIN INVESTMENTS. A universal bank may invest without limitation in
9 any of the following:

10 (a) *Business development corporations.* Stocks or obligations of a corporation
11 organized for business development by this state or by the United States or by an
12 agency of this state or the United States.

13 (b) *Urban renewal investment corporations.* Obligations of an urban renewal
14 investment corporation organized under the laws of this state or of the United States.

15 (c) *Certain bank insurance companies.* An equity interest in an insurance
16 company or an insurance holding company organized to provide insurance for
17 universal banks and for persons affiliated with universal banks, solely to the extent
18 that this ownership is a prerequisite to obtaining directors' and officers' insurance
19 or blanket bond insurance for the universal bank through the company.

20 (d) *Certain remote service unit corporations.* Shares of stock, whether
21 purchased or otherwise acquired, in a corporation acquiring, placing and operating
22 remote service units under s. 214.04 (21) or 215.13 (46) or bank communications
23 terminals under s. 221.0303 (2).

24 (e) *Service corporations.* Equity or debt securities or instruments of a service
25 corporation subsidiary of the universal bank.

1 (f) *Federal funds.* Advances of federal funds.

2 (g) *Certain risk management financial products.* With the prior written
3 approval of the division, financial futures transactions, financial options
4 transactions, forward commitments or other financial products for the purpose of
5 reducing, hedging or otherwise managing its interest rate risk exposure.

6 (h) *Certain fiduciaries.* A subsidiary organized to exercise corporate fiduciary
7 powers under ch. 112.

8 (i) *Agricultural credit corporations.* An agricultural credit corporation. Unless
9 a universal bank owns at least 80% of the stock of the agricultural credit corporation,
10 a universal bank may not invest more than 20% of the universal bank's capital in the
11 agricultural credit corporation.

12 (j) *Deposit accounts and insured obligations.* Deposit accounts or insured
13 obligations of any financial institution, the accounts of which are insured by a deposit
14 insurance corporation.

15 (k) *Certain federal obligations.* Obligations of, or obligations that are fully
16 guaranteed by, the United States and stocks or obligations of any federal reserve
17 bank, federal home loan bank, the Student Loan Marketing Association, the
18 Government National Mortgage Association, the Federal National Mortgage
19 Association, the Federal Home Loan Mortgage Corporation or the Federal Deposit
20 Insurance Corporation.

21 (l) *Other investments.* Any other investment authorized by the division.

22 (8) **INVESTMENTS IN OTHER FINANCIAL INSTITUTIONS.** In addition to the authority
23 granted under ss. 222.0307 and 222.0409, and subject to the limitations of sub. (2),
24 a universal bank may invest in other financial institutions.

1 **(9) INVESTMENTS THROUGH SUBSIDIARIES.** A universal bank may make
2 investments under this section, directly or indirectly through a subsidiary, unless
3 the division determines that an investment shall be made through a subsidiary with
4 appropriate safeguards to limit the risk exposure of the universal bank.

5 **222.0407 Universal bank purchase of its own stock.** **(1) IN GENERAL.** A
6 universal bank may hold or purchase not more than 10% of its capital stock, notes
7 or debentures, except as provided in sub. (2) or (3).

8 **(2) DIVISION APPROVAL.** A universal bank may hold or purchase more than 10%
9 of its capital stock, notes or debentures, if approved by the division.

10 **(3) ADDITIONAL AUTHORITY.** A universal bank may hold or purchase more than
11 10% of its capital stock, notes or debentures if the purchase is necessary to prevent
12 loss upon a debt previously contracted in good faith. Stock, notes or debentures held
13 or purchased under this subsection may not be held by the universal bank for more
14 than 6 months if the stock, notes or debentures can be sold for the amount of the claim
15 of the universal bank against the holder of the debt previously contracted. The
16 universal bank shall either sell the stock, notes or debentures within 12 months of
17 acquisition under this subsection or shall cancel the stock, notes or debentures.
18 Cancellation of the stock, notes or debentures reduces the amount of the universal
19 bank's capital stock, notes or debentures. If the reduction reduces the universal
20 bank's capital below the minimum level required by the division, the universal bank
21 shall increase its capital to the amount required by the division.

22 **(4) LOANS SECURED BY CAPITAL, SURPLUS OR DEPOSITS.** A universal bank may not
23 loan any part of its capital, surplus or deposits on its own capital stock, notes or
24 debentures as collateral security, except that a universal bank may make a loan
25 secured by its own capital stock, notes or debentures to the same extent that the

1 universal bank may make a loan secured by the capital stock, notes and debentures
2 of a holding company for the universal bank.

3 **222.0409 Stock in bank-owned banks.** With the approval of the division,
4 a universal bank may acquire and hold stock in one or more banks chartered under
5 s. 221.1202 or national banks chartered under 12 USC 27 (b) or in one or more
6 holding companies wholly owning such a bank. Aggregate investments under this
7 section may not exceed 10% of the universal bank's capital.

8 **222.0411 General deposit powers. (1) IN GENERAL.** A universal bank may
9 set eligibility requirements for, and establish the types and terms of, deposits that
10 the universal bank solicits and accepts. The terms set under this subsection may
11 include minimum and maximum amounts that the universal bank may accept and
12 the frequency and computation method of paying interest.

13 **(2) PLEDGE OF SECURITY FOR DEPOSITS.** Subject to the limitations of s. 221.0324
14 that are applicable to banks, a universal bank may pledge its assets as security for
15 deposits.

16 **(3) SECURITIZATION OF ASSETS.** With the approval of the division, a universal
17 bank may securitize its assets for sale to the public. The division may establish
18 procedures governing the exercise of authority granted under this subsection.

19 **(4) SAFE DEPOSIT POWERS.** A universal bank may take and receive, from any
20 individual or corporation for safekeeping and storage, gold and silver plate, jewelry,
21 money, stocks, securities, and other valuables or personal property; and rent out the
22 use of safes or other receptacles upon its premises upon such compensation as may
23 be agreed upon. A universal bank has a lien for its charges on any property taken
24 or received by it for safekeeping. If the lien is not paid within 2 years from the date
25 the lien accrues, or if property is not called for by the person depositing the property,

1 or by his or her representative or assignee, within 2 years from the date the lien
2 accrues, the universal bank may sell the property at public auction. A universal bank
3 shall provide the same notice for a sale under this subsection that is required by law
4 for sales of personal property on execution. After retaining from the proceeds of the
5 sale all of the liens and charges due the bank and the reasonable expenses of the sale,
6 the universal bank shall pay the balance to the person depositing the property, or to
7 his or her representative or assignee.

8 **222.0413 Other service and incidental activity powers.** (1) NECESSARY
9 OR CONVENIENT POWERS. Unless otherwise prohibited or limited by this chapter, a
10 universal bank may exercise all powers necessary or convenient to effect the
11 purposes for which the universal bank is organized or to further the businesses in
12 which the universal bank is lawfully engaged.

13 (2) REASONABLY RELATED POWERS. (a) Subject to any applicable state or federal
14 regulatory or licensing requirements, a universal bank may engage, directly or
15 indirectly through a subsidiary, in activities reasonably related or incident to the
16 purposes of the universal bank. Activities reasonably related or incident to the
17 purposes of the universal bank are those activities that are part of the business of
18 financial institutions, or closely related to the business of financial institutions, or
19 convenient and useful to the business of financial institutions, or reasonably related
20 or incident to the operation of financial institutions or are financial in nature.
21 Activities that are reasonably related or incident to the purposes of a universal bank
22 include the following:

- 23 1. Business and professional services.
- 24 2. Data processing.
- 25 3. Courier and messenger services.

- 1 4. Credit-related activities.
- 2 5. Consumer services.
- 3 6. Real estate-related services, including real estate brokerage services.
- 4 7. Insurance and related services, other than insurance underwriting.
- 5 8. Securities brokerage.
- 6 9. Investment advice.
- 7 10. Securities and bond underwriting.
- 8 11. Mutual fund activities.
- 9 12. Financial consulting.
- 10 13. Tax planning and preparation.
- 11 14. Community development and charitable activities.
- 12 15. Debt cancellation contracts.
- 13 16. Any activities reasonably related or incident to activities under subs. 1.
- 14 to 15.

15 (b) An activity that is authorized by statute or regulation for financial
16 institutions to engage in as of the effective date of this paragraph [revisor inserts
17 date], is an activity that is reasonably related to or incident to the purposes of a
18 universal bank. An activity permitted under the Bank Holding Company Act is an
19 activity that is reasonably related to or incident to the purposes of a universal bank.
20 The list of activities reasonably related or incident to the purposes of a universal
21 bank may be expanded by the division. Any additional activity approved by the
22 division shall be authorized for all universal banks.

23 (3) NOTICE REQUIREMENT. A universal bank shall give 60 days' prior written
24 notice to the division of the universal bank's intention to engage in an activity under
25 this section.

1 (4) STANDARDS FOR DENIAL. The division may deny the authority of a universal
2 bank to engage in an activity under this section, other than those activities described
3 in sub. (2) (a) 1. to 16., if the division determines that the activity is not an activity
4 reasonably related or incident to the purposes of a universal bank, that the financial
5 institution is not well-capitalized or adequately capitalized, that the financial
6 institution is the subject of an enforcement action or that the financial institution
7 does not have satisfactory management expertise for the proposed activity.

8 (5) INSURANCE INTERMEDIATION. A universal bank, or an officer or salaried
9 employe of a universal bank, may obtain a license as an insurance intermediary, if
10 otherwise qualified. A universal bank may not, directly or indirectly through a
11 subsidiary, engage in the business of underwriting insurance.

12 (6) OTHER ACTIVITIES APPROVED BY THE DIVISION. A universal bank may engage
13 in any other activity that is approved by rule of the division.

14 (7) ACTIVITIES PROVIDED THROUGH A SUBSIDIARY. A universal bank may engage
15 in activities under this section, directly or indirectly through a subsidiary, unless the
16 division determines that an activity must be conducted through a subsidiary with
17 appropriate safeguards to limit the risk exposure of the universal bank.

18 (8) LIMITATIONS ON INVESTMENTS THROUGH SUBSIDIARIES. The amount of the
19 investment in any one subsidiary that engages in an activity under this section may
20 not exceed 20% of capital or, if approved by the division, a higher percentage
21 authorized by the division. The aggregate investment in all subsidiaries that engage
22 in an activity under this subsection may not exceed 50% of capital or, if approved by
23 the division, a higher percentage authorized by the division.

1 **(9) OWNERSHIP OF SUBSIDIARIES.** A subsidiary that engages in an activity under
2 this section may be owned jointly, with one or more other financial institutions,
3 individuals or entities.

4 **222.0415 Trust powers.** Subject to rules of the division, a universal bank may
5 exercise trust powers in accordance with s. 221.0316.

6 ***-1836/2.20* SECTION 2337.** 223.105 (3) (a) of the statutes is amended to read:

7 223.105 (3) (a) To assure compliance with such rules as may be established
8 under s. 220.04 (7) the division of banking, the office of credit unions and the division
9 of savings ~~and loan~~ institutions shall, at least once every 18 months, examine the
10 fiduciary operations of each organization which is under its respective jurisdiction
11 and is subject to examination under sub. (2). If a particular organization subject to
12 examination under sub. (2) is not otherwise under the jurisdiction of one of the
13 foregoing agencies, such examination shall be conducted by the division of banking.

14 ***-1836/2.21* SECTION 2338.** 223.105 (4) of the statutes is amended to read:

15 223.105 (4) NOTICE OF FIDUCIARY OPERATION. Except for those organizations
16 licensed under ch. 221 or this chapter, any organization engaged in fiduciary
17 operations as defined in this section shall, as required by rule, notify the division of
18 banking, the office of credit unions or the division of savings ~~and loan~~ institutions of
19 that fact, directing the notice to the agency then exercising regulatory authority over
20 the organization or, if there is none, to the division of banking. Any organization
21 which intends to engage in fiduciary operations shall, prior to engaging in such
22 operations, notify the appropriate agency of this intention. The notifications
23 required under this subsection shall be on forms and contain information required
24 by the rules promulgated by the division of banking.

25 ***-1836/2.22* SECTION 2339.** 223.105 (5) of the statutes is amended to read:

1 223.105 (5) ENFORCEMENT REMEDY. The division of banking or the division of
2 savings and ~~loan~~ institutions or office of credit unions shall upon the failure of such
3 organization to submit notifications or reports required under this section or
4 otherwise to comply with the provisions of this section, or rules established by the
5 division of banking under s. 220.04 (7), upon due notice, order such defaulting
6 organization to cease and desist from engaging in fiduciary activities and may apply
7 to the appropriate court for enforcement of such order.

8 *~~1836/2.23~~* SECTION 2340. 223.105 (6) of the statutes is amended to read:

9 223.105 (6) SUNSET. Except for an organization regulated by the office of credit
10 unions or the division of savings and ~~loan~~ institutions or an organization authorized
11 by the division of banking to operate as a bank or trust company under ch. 221 or this
12 chapter, an organization may not begin activity as a fiduciary operation under this
13 section after May 12, 1992. An organization engaged in fiduciary operations under
14 this section on May 12, 1992, may continue to engage in fiduciary operations after
15 that date.

16 *~~1191/2.1~~* SECTION 2341. 224.30 (1) (title) of the statutes is created to read:

17 224.30 (1) (title) DEFINITION.

18 *~~1191/2.2~~* SECTION 2342. 224.30 (2) (title) of the statutes is created to read:

19 224.30 (2) (title) ELECTRONIC FORMS AND SIGNATURES.

20 *~~1191/2.3~~* SECTION 2343. 224.30 (3) of the statutes is created to read:

21 224.30 (3) ACCESS AND USE OF COMPUTER DATABASES AND SYSTEMS. The
22 department may charge members of the public a fee for accessing or using the
23 department's databases or computer systems.

24 *~~1098/3.26~~* SECTION 2344. 227.01 (13) (zL) of the statutes is created to read:

1 227.01 (13) (zL) Prescribes conditions of participation and terms of
2 reimbursement of providers under s. 49.45 (2) (a) 9.

3 ***-1098/3.27* SECTION 2345.** 227.01 (13) (zm) of the statutes is created to read:

4 227.01 (13) (zm) Establishes guidelines for the determination of medical
5 necessity and appropriateness for the granting of prior authorization for medical
6 assistance coverage of services under s. 49.46 or 49.47.

7 ***-0567/1.4* SECTION 2346.** 227.14 (1s) of the statutes is created to read:

8 227.14 (1s) EXCEPTION; PREPARATION OF CERTAIN RULES BASED ON FEDERAL FOOD
9 CODE. Notwithstanding sub. (1), if the department of agriculture, trade and
10 consumer protection or the department of health and family services prepares a
11 proposed rule based on the model food code published by the federal food and drug
12 administration, the proposed rule may be in the format of the model food code.

13 ***-1836/2.24* SECTION 2347.** 227.52 (5) of the statutes is amended to read:

14 227.52 (5) Decisions of the division of savings ~~and loan~~ institutions.

15 ***-1836/2.25* SECTION 2348.** 227.53 (1) (b) 4. of the statutes is amended to read:

16 227.53 (1) (b) 4. The savings and loan review board, the division of savings ~~and~~
17 ~~loan~~ institutions, except if the petitioner is the division of savings ~~and loan~~
18 institutions, the prevailing parties before the savings and loan review board shall be
19 the named respondents.

20 ***-1836/2.26* SECTION 2349.** 227.53 (1) (b) 5. of the statutes is amended to read:

21 227.53 (1) (b) 5. The savings bank review board, the division of savings and loan
22 institutions, except if the petitioner is the division of savings ~~and loan~~ institutions,
23 the prevailing parties before the savings bank review board shall be the named
24 respondents.

1 ***-1696/7.37*** SECTION 2350. 230.08 (2) (e) 3m. of the statutes is amended to
2 read:

3 230.08 (2) (e) 3m. Educational communications board — 4. If the secretary of
4 administration determines that the federal communications commission has
5 approved the transfer of all broadcasting licenses held by the educational
6 communications board and the board of regents of the University of Wisconsin
7 System to the corporation described under s. 39.81, this subdivision does not apply
8 on and after the effective date of the last license transferred [revisor inserts date].

9 ***-1922/5.35*** SECTION 2351. 230.08 (2) (e) 6. of the statutes is amended to read:
10 230.08 (2) (e) 6. Workforce development — 8 7.

11 ***-1696/7.38*** SECTION 2352. 230.08 (2) (L) 2. of the statutes is amended to read:
12 230.08 (2) (L) 2. Educational communications board, created under s. 15.57 (1).
13 If the secretary of administration determines that the federal communications
14 commission has approved the transfer of all broadcasting licenses held by the
15 educational communications board and the board of regents of the University of
16 Wisconsin System to the corporation described under s. 39.81, this subdivision does
17 not apply on and after the effective date of the last license transferred [revisor
18 inserts date].

19 ***-0024/1.2*** SECTION 2353. 230.08 (2) (u) of the statutes is repealed.

20 ***-1696/7.39*** SECTION 2354. 230.08 (2) (we) of the statutes is amended to read:
21 230.08 (2) (we) Professional staff members of the educational communications
22 board authorized under s. 39.13 (2). If the secretary of administration determines
23 that the federal communications commission has approved the transfer of all
24 broadcasting licenses held by the educational communications board and the board
25 of regents of the University of Wisconsin System to the corporation described under

1 s. 39.81, this paragraph does not apply on and after the effective date of the last
2 license transferred [revisor inserts date].

3 ***-1922/5.36*** **SECTION 2355.** 230.08 (2) (yr) of the statutes is created to read:
4 230.08 (2) (yr) The executive director of the governor's work-based learning
5 board.

6 ***-1696/7.40*** **SECTION 2356.** 230.08 (4) (a) of the statutes is amended to read:
7 230.08 (4) (a) The number of administrator positions specified in sub. (2) (e)
8 includes all administrator positions specifically authorized by law to be employed
9 outside the classified service in each department, board or commission and the
10 historical society. ~~In~~ Except as provided in par. (am), in this paragraph,
11 "department" has the meaning given under s. 15.01 (5), "board" means the
12 educational communications board, investment board, public defender board and
13 technical college system board and "commission" means the public service
14 commission. Notwithstanding sub. (2) (z), no division administrator position
15 exceeding the number authorized in sub. (2) (e) may be created in the unclassified
16 service.

17 ***-1696/7.41*** **SECTION 2357.** 230.08 (4) (am) of the statutes is created to read:
18 230.08 (4) (am) If the secretary of administration determines that the federal
19 communications commission has approved the transfer of all broadcasting licenses
20 held by the educational communications board and the board of regents of the
21 University of Wisconsin System to the corporation described under s. 39.81, on and
22 after the effective date of the last license transferred [revisor inserts date], "board"
23 in par. (a) means the investment board, public defender board and technical college
24 system board.

25 ***-1816/2.1*** **SECTION 2358.** 233.24 of the statutes is created to read:

1 **233.24 Limitations on issuance of bonds.** Beginning on the effective date
2 of this section ... [revisor inserts date], the authority may not issue bonds for the
3 purpose of purchasing a clinic, as defined in s. 287.07 (7) (c) 1. a., or a hospital, as
4 defined in s. 50.33 (2) (a).

5 *~~1816/2.2~~* **SECTION 2359.** 233.27 of the statutes is amended to read:

6 **233.27 Limit on the amount of outstanding bonds.** The authority may not
7 issue bonds or incur indebtedness described under s. 233.03 (12) if, after the bonds
8 are issued or the indebtedness is incurred, the aggregate principal amount of the
9 authority's outstanding bonds, together with all indebtedness described under s.
10 233.03 (12) would exceed ~~\$50,000,000~~ \$90,000,000. Bonds issued to fund or refund
11 outstanding bonds, or indebtedness incurred to pay off or purchase outstanding
12 indebtedness, is not included in calculating compliance with the ~~\$50,000,000~~
13 \$90,000,000 limit.

14 *~~0589/2.20~~* **SECTION 2360.** 234.04 (2) of the statutes is amended to read:

15 234.04 (2) The authority may make or participate in the making and enter into
16 commitments for the making of long-term mortgage loans to eligible sponsors of
17 housing projects for occupancy by persons and families of low and moderate income,
18 or for the making of homeownership mortgage loans or housing rehabilitation loans
19 to persons and families of low and moderate income, an applicant under s. 234.59 or
20 other eligible beneficiaries as defined in s. 234.49. The loans may be made only upon
21 the determination by the authority that they are not otherwise available from
22 private lenders upon reasonably equivalent terms and conditions. The authority
23 may not make a loan to a person if it ~~receives a certification under s. 49.855 (7) that~~
24 ~~the person is delinquent in child support or maintenance payments or owes past~~
25 ~~support, medical expenses or birth expenses~~ whose name appears on the statewide

1 support lien docket under s. 49.854 (2)(b), unless the person provides to the authority
2 a payment agreement that has been approved by the county child support agency
3 under s. 59.53 (5) and that is consistent with rules promulgated under s. 49.858 (2)
4 (a). The authority may employ, for such compensation as it determines, the services
5 of any financial institution in connection with any loan.

6 ***-0589/2.21* SECTION 2361.** 234.49 (1)(c) of the statutes is renumbered 234.49
7 (1) (c) (intro.) and amended to read:

8 234.49 (1) (c) (intro.) “Eligible beneficiary” means ~~a~~ any of the following:

9 1. A person for whom the authority has not received a certification from the
10 department of workforce development under s. 49.855 (7) or a whose name does not
11 appear on the statewide support lien docket under s. 49.854 (2) (b), except that a
12 person whose name appears on the statewide support lien docket is an “eligible
13 beneficiary” if the person provides to the authority a payment agreement that has
14 been approved by the county child support agency under s. 59.53 (5) and that is
15 consistent with rules promulgated under s. 49.858 (2) (a).

16 2. A family who or which falls within the income limits specified in par. (f).

17 ***-1220/2.3* SECTION 2362.** 234.51 (2) (b) of the statutes is amended to read:

18 234.51 (2) (b) For transfer, ~~upon request, to the secretary of administration for~~
19 ~~deposit in the state general fund to the Wisconsin development reserve fund under~~
20 ~~s. 234.93,~~ to the extent that the chairperson of the authority certifies that such funds
21 are no longer required for the program.

22 ***-1220/2.4* SECTION 2363.** 234.52 (2) of the statutes is amended to read:

23 234.52 (2) Subject to agreements with bondholders, the authority shall use
24 moneys in the fund solely for transfer to the housing rehabilitation loan program
25 bond redemption fund in amounts equal to losses on housing rehabilitation loans

owned by that fund which are not made good by federal insurance or guarantee payments, and solely for the purposes described in s. 234.55 (2) (a). Any balance remaining after payment or due provision for payment of all outstanding bonds issued under the authority of s. 234.50 shall be transferred to the housing rehabilitation loan program administration fund ~~only for the purpose of deposit in the state general fund.~~

***-1220/2.5* SECTION 2364.** 234.55 (3) of the statutes is amended to read:

234.55 (3) Any balance remaining after satisfaction of all obligations under sub. (2) shall be transferred to the housing rehabilitation loan program administration fund ~~only for the purpose of deposit in the state general fund.~~

***-0589/2.22* SECTION 2365.** 234.59 (3) (c) of the statutes is amended to read:

234.59 (3) (c) The authority shall notify an eligible lender if it ~~receives a certification under s. 49.855 (7) that a person is delinquent in child support or maintenance payments or owes past support, medical expenses or birth expenses a person's name appears on the statewide support lien docket under s. 49.854 (2) (b).~~

An eligible lender may not make a loan to an applicant if it receives notification under this paragraph concerning the applicant, unless the applicant provides to the lender a payment agreement that has been approved by the county child support agency under s. 59.53 (5) and that is consistent with rules promulgated under s. 49.858 (2) (a).

***-2015/1.3* SECTION 2366.** 234.64 of the statutes is created to read:

234.64 Biotechnology development finance company. (1) In this section:

(a) "Biotechnology" means technology related to life sciences.

(b) "Capital participation instrument" means all of the following:

1. Any of the following or an option or other right to acquire any of the following:

- 1 a. Common or preferred capital stock.
- 2 b. Convertible securities.
- 3 c. Evidences of long-term or short-term indebtedness.
- 4 d. Warrants.
- 5 e. Subscriptions.
- 6 f. Partnership or membership interests.

- 7 2. Royalties or other lawful derivations of a capital participation instrument
- 8 listed under subd. 1.

9 (c) "Cost of a project" means costs associated with the design, planning and
10 implementation of a project that, in accordance with sound business and financial
11 practices, are appropriate charges to the project. The costs may include the costs of
12 planning and design, options to buy land, feasibility or other studies, equipment,
13 seed money, construction, working capital and any other costs determined by the
14 biotechnology development finance company to be necessary to the purposes of this
15 section.

16 (d) "Project" means commercial, industrial or other economic activity that is
17 undertaken by a biotechnology company in this state.

18 (2) (a) The authority may organize and maintain a biotechnology development
19 finance company as a nonstock, nonprofit corporation under ch. 181 for the exclusive
20 purpose of investing in new or existing biotechnology companies in this state.

21 (b) Subject to par. (c), the biotechnology development finance company may
22 purchase a capital participation instrument of a project. The biotechnology
23 development finance company shall ensure that all of the following apply with
24 respect to a project before any investment is made in the project:

1 1. The biotechnology company has certified that the project plans conform to
2 all applicable environmental, zoning, building, planning or sanitation laws.

3 2. There is a reasonable expectation that the biotechnology company will be
4 successful.

5 3. Private industry has not provided sufficient capital required for the project.

6 4. The investment is necessary to the successful completion of the proposed
7 project because other investment in the project is unavailable in the traditional
8 capital markets, or because capital has been offered on terms that would preclude
9 the success of the project.

10 5. Provision has been made by contract for adequate reporting of financial data
11 by the project to the biotechnology development finance company. Those provisions
12 may include a requirement for an annual or other periodic audit of the project's
13 financial records.

14 6. The proceeds of the purchase will be used solely in connection with the costs
15 of the project.

16 7. The biotechnology company is able to manage its project responsibilities.

17 (c) 1. The biotechnology development finance company may not own more than
18 49% of the voting stock or other interest in any enterprise as a result of a purchase
19 under par. (b).

20 2. The total investment by the biotechnology development finance company in
21 any one biotechnology company may not exceed \$200,000.

22 (d) The findings made by the biotechnology development finance company with
23 respect to whether a project meets the conditions under par. (b) 1. to 7. are conclusive.

24 **(3)** The authority shall enter into a contract with the biotechnology
25 development finance company. The contract shall provide that the authority may

1 make use of the services of the biotechnology development finance company and that
2 the authority shall advise, assist and provide administrative services to the
3 biotechnology development finance company. The authority shall determine the
4 type and scope of any administrative services provided by the authority to the
5 biotechnology development finance company. The authority may assign employees or
6 contract with private or state agencies to perform the administrative services. The
7 biotechnology development finance company may not engage in political activities.

8 (4) (a) The board of directors of the biotechnology development finance
9 company shall consist of all of the following members:

- 10 1. The executive director of the authority, or his or her designee.
- 11 2. The secretary of commerce, or his or her designee.
- 12 3. The secretary of administration, or his or her designee.
- 13 4. The executive director of the investment board, or his or her designee.
- 14 5. The president of the University of Wisconsin System, or his or her designee.
- 15 6. The president of Forward Wisconsin, Inc., or his or her designee.
- 16 7. A representative of the state's biotechnology research community.
- 17 8. A representative of the state's biotechnology industry.
- 18 9. A representative of the state's venture capital industry.

19 (b) The members under par. (a) 7. to 9. shall serve 5-year terms and the initial
20 members under par. (a) 7. to 9. shall be appointed by the governor. The biotechnology
21 development finance company, in its bylaws, shall specify the method for electing
22 new members under par. (a) 7. to 9. and for filling vacancies.

23 (5) Annually, the biotechnology development finance company shall provide a
24 report on its activities to the appropriate standing committees of each house of the
25 legislature in the manner provided under s. 13.172 (3) and to the governor.

1 (6) The assets transferred to, and the assets and liabilities of, the biotechnology
2 development finance company shall be separate from all other assets and liabilities
3 of the state, of all political subdivisions of the state and of the authority. Neither the
4 state, any political subdivision of the state nor the authority guarantees any
5 obligation of or has any obligation to the biotechnology development finance
6 company. Neither the state, any political subdivision of the state nor the authority
7 is liable for any debt or liability of the biotechnology development finance company.

8 *~~0589/2.23~~* SECTION 2367. 234.65 (3) (f) of the statutes is amended to read:

9 234.65 (3) (f) ~~The authority has not received a certification under s. 49.855 (7)~~
10 ~~that the person receiving the loan is delinquent in child support or maintenance~~
11 ~~payments or owes past support, medical expenses or birth expenses name of the~~
12 person receiving the loan does not appear on the statewide support lien docket under
13 s. 49.854 (2) (b). The condition under this paragraph is met for a person whose name
14 does appear if the person provides to the authority a payment agreement that has
15 been approved by the county child support agency under s. 59.53 (5) and that is
16 consistent with rules promulgated under s. 49.858 (2) (a).

17 *~~0424/1.8~~* SECTION 2368. 234.65 (3m) of the statutes is amended to read:

18 234.65 (3m) An economic development loan may not be made unless the
19 department of commerce complies with sub. (1m) ~~and certifies that each loan~~
20 ~~complies with sub. (3).~~

21 *~~0424/1.9~~* SECTION 2369. 234.65 (5) (intro.) of the statutes is amended to
22 read:

23 234.65 (5) (intro.) On or before July 1, ~~1985~~ 2000, and every July 1 thereafter,
24 ~~the department of commerce~~ authority shall submit to the chief clerk of each house
25 of the legislature, for distribution to the appropriate standing committees under s.

1 13.172 (3), a report which shall address the effects of lending under this section in
2 the following areas:

3 ***-0821/4.4* SECTION 2370.** 234.83 (1) (intro.) of the statutes is amended to
4 read:

5 234.83 (1) GUARANTEE REQUIREMENTS FOR SMALL BUSINESSES. (intro.) The
6 authority may use money from the Wisconsin development reserve fund to guarantee
7 a loan under ~~this section sub. (4) (a)~~ if all of the following apply:

8 ***-0821/4.5* SECTION 2371.** 234.83 (1) (a) of the statutes is amended to read:

9 234.83 (1) (a) The borrower qualifies as an eligible borrower under sub. (2) (a)
10 or (b).

11 ***-0821/4.6* SECTION 2372.** 234.83 (1m) of the statutes is created to read:

12 234.83 (1m) GUARANTEE REQUIREMENTS FOR SMALL BUSINESSES AFFECTED BY
13 GAMING. The authority may use money from the Wisconsin development reserve fund
14 to guarantee a loan under sub. (4) (am) if all of the following apply:

15 (a) The borrower qualifies as an eligible borrower under sub. (2) (c).

16 (b) The loan qualifies as an eligible loan under sub. (3).

17 (c) The lender enters into an agreement under s. 234.93 (2) (a).

18 ***-0589/2.24* SECTION 2373.** 234.83 (2) (a) 3. of the statutes is amended to read:

19 234.83 (2) (a) 3. ~~The authority has not received a certification under s. 49.855~~
20 ~~(7) that the owner of the business is delinquent in making child support or~~
21 ~~maintenance payments~~ name of the owner of the business does not appear on the
22 statewide support lien docket under s. 49.854 (2) (b). The condition under this
23 subdivision is met for an owner whose name does appear if the owner of the business
24 provides to the authority a payment agreement that has been approved by the county

1 child support agency under s. 59.53 (5) and that is consistent with rules promulgated
2 under s. 49.858 (2) (a).

3 ***-0821/4.7* SECTION 2374.** 234.83 (2) (c) of the statutes is created to read:

4 234.83 (2) (c) A business to which the conditions under par. (a) 1., 2. and 3. apply
5 and that is located in a county in this state, or in a county in this state that is adjacent
6 to a county in this state, in which is located a casino that is operated by a federally
7 recognized American Indian tribe or band in this state.

8 ***-0821/4.8* SECTION 2375.** 234.83 (4) (am) of the statutes is created to read:

9 234.83 (4) (am) Subject to par. (b), the authority may guarantee repayment of
10 an amount of the principal of any loan eligible for a guarantee under sub. (1m). The
11 amount that may be guaranteed may not exceed 100% of the principal of the loan or
12 \$200,000, whichever is less. The authority shall establish the amount of the
13 principal of an eligible loan that will be guaranteed, using the procedures described
14 in the agreement under s. 234.93 (2) (a). The authority may establish a single
15 amount for all guaranteed loans that do not exceed \$200,000 and a single amount for
16 all guaranteed loans that exceed \$200,000 or establish on an individual basis
17 different amounts for eligible loans that do not exceed \$200,000 and different
18 amounts for eligible loans that exceed \$200,000.

19 ***-0821/4.9* SECTION 2376.** 234.83 (4) (b) of the statutes is amended to read:

20 234.83 (4) (b) Except as provided in s. 234.93 (3), the total outstanding
21 guaranteed principal amount of all loans that the authority may guarantee under
22 par. (a) this section may not exceed ~~\$9,900,000~~ \$21,150,000.

23 ***-0821/4.10* SECTION 2377.** 234.83 (5) of the statutes is created to read:

24 234.83 (5) INTEREST SUBSIDY FOR BUSINESSES AFFECTED BY GAMING. Annually,
25 from the Wisconsin development reserve fund, the authority may pay a financial

1 institution that makes a loan to a borrower under sub. (2) (c) that is guaranteed
2 under sub. (4) (am) an amount equal to up to 3.5% of the outstanding balance of the
3 loan.

4 ***-1187/1.2* SECTION 2378.** 234.88 (3) (b) of the statutes is amended to read:

5 234.88 (3) (b) Except as provided in s. 234.93 (3), the total outstanding principal
6 amount of all guaranteed loans under par. (a) may not exceed ~~\$22,500,000~~
7 \$11,250,000.

8 ***-1220/2.6* SECTION 2379.** 234.90 (2) (b) of the statutes is amended to read:

9 234.90 (2) (b) The total outstanding principal amount of all loans to the
10 borrower that are guaranteed under this section will not exceed ~~\$20,000~~ \$30,000.

11 ***-0589/2.25* SECTION 2380.** 234.90 (3) (d) of the statutes is amended to read:

12 234.90 (3) (d) ~~The authority has not received a certification under s. 49.855 (7)~~
13 ~~that the farmer is delinquent in making child support or maintenance payments or~~
14 ~~owes past support, medical expenses or birth expenses~~ farmer's name does not
15 appear on the statewide support lien docket under s. 49.854 (2) (b). The condition
16 under this paragraph is met for a farmer whose name does appear if the farmer
17 provides to the authority a payment agreement that has been approved by the county
18 child support agency under s. 59.53 (5) and that is consistent with rules promulgated
19 under s. 49.858 (2) (a).

20 ***-0589/2.26* SECTION 2381.** 234.90 (3g) (c) of the statutes is amended to read:

21 234.90 (3g) (c) ~~The authority has not received a certification under s. 49.855~~
22 ~~(7) that the farmer is delinquent in making child support or maintenance payments~~
23 ~~or owes past support, medical expenses or birth expenses~~ farmer's name does not
24 appear on the statewide support lien docket under s. 49.854 (2) (b). The condition
25 under this paragraph is met for a farmer whose name does appear if the farmer

1 provides to the authority a payment agreement that has been approved by the county
2 child support agency under s. 59.53 (5) and that is consistent with rules promulgated
3 under s. 49.858 (2) (a).

4 ***-0589/2.27* SECTION 2382.** 234.905 (3) (d) of the statutes is amended to read:

5 234.905 (3) (d) ~~The authority has not received a certification under s. 49.855~~
6 ~~(7) that the farmer is delinquent in making child support or maintenance payments~~
7 ~~or owes past support, medical expenses or birth expenses~~ farmer's name does not
8 appear on the statewide support lien docket under s. 49.854 (2) (b). The condition
9 under this paragraph is met for a farmer whose name does appear if the farmer
10 provides to the authority a payment agreement that has been approved by the county
11 child support agency under s. 59.53 (5) and that is consistent with rules promulgated
12 under s. 49.858 (2) (a).

13 ***-1220/2.7* SECTION 2383.** 234.91 (2) (c) of the statutes is amended to read:

14 234.91 (2) (c) The total outstanding guaranteed principal amount of all loans
15 made to the borrower that are guaranteed under this section will not exceed \$100,000
16 ~~\$200,000, or \$50,000~~ \$100,000 if any of the loans is affected by any other state or
17 federal credit assistance program.

18 ***-1220/2.8* SECTION 2384.** 234.93 (1) (cm) of the statutes is created to read:

19 234.93 (1) (cm) Any moneys transferred under s. 234.51 (2) (b), or under 1999
20 Wisconsin Act (this act), section 9125 (1), from the housing rehabilitation loan
21 program administration fund.

22 ***-0821/4.11* SECTION 2385.** 234.93 (1) (f) of the statutes is created to read:

23 234.93 (1) (f) To be used for guaranteeing loans under s. 234.83 (4) (am) and
24 paying interest subsidies under s. 234.83 (5), moneys appropriated to the authority
25 under s. 20.490 (5) (kp).

1 ***-1220/2.9* SECTION 2386.** 234.93 (4) (a) 2. of the statutes is amended to read:
2 234.93 (4) (a) 2. To fund guarantees under all of the programs guaranteed by
3 funds from the Wisconsin development reserve fund, except for the program under
4 s. 234.935, 1997 stats., at a ratio of \$1 of reserve funding to \$4.50 of total outstanding
5 principal and outstanding guaranteed principal that the authority may guarantee
6 under all of those programs.

7 ***-1220/2.10* SECTION 2387.** 234.93 (4) (a) 3. of the statutes is amended to read:
8 234.93 (4) (a) 3. To fund guarantees under the program under s. 234.935, 1997
9 stats., at a ratio of \$1 of reserve funding to \$4 of total principal and outstanding
10 guaranteed principal that the authority may guarantee under that program.

11 ***-1220/2.11* SECTION 2388.** 234.935 of the statutes is repealed.

12 ***-0677/4.65* SECTION 2389.** 236.16 (3) (d) (intro.) of the statutes is amended
13 to read:

14 236.16 (3) (d) (intro.) All of the owners of all of the land adjacent to a public
15 access established under par. (a) to an inland lake, as defined in s. 30.92 (1) (bk), may
16 petition the city, village, town or county that owns the public access to construct
17 shoreline erosion control measures. Subject to par. (e), the city, village, town or
18 county shall construct the requested shoreline erosion control measures or request
19 the department of natural resources to determine the need for shoreline erosion
20 control measures. Upon receipt of a request under this paragraph from a city, village,
21 town or county, the department of natural resources shall follow the procedures in
22 s. 30.02 (3) and (4) sub. (3m). Subject to par. (e), the city, village, town or county shall
23 construct shoreline erosion control measures as required by the department of
24 natural resources if the department of natural resources determines all of the
25 following:

1 ***-0677/4.66*** **SECTION 2390.** 236.16 (3m) of the statutes is created to read:

2 236.16 **(3m)** NOTICE AND HEARING REQUIREMENTS. (a) Upon receipt of a request
3 for a determination under sub. (3) (d), the department of natural resources shall
4 either order a public hearing or provide notice stating that it will proceed on the
5 request without a hearing if, within 30 days after the publication of the notice, no
6 request for a hearing concerning the determination under sub. (3) (d) is received. The
7 department of natural resources shall provide the notice to the clerk of each
8 municipality in which the proposed shoreline erosion control measures are located
9 and to any other person required by law to receive notice. The department of natural
10 resources may provide notice to other persons as it considers appropriate. The
11 department of natural resources shall provide a copy of the notice to the city, village,
12 town or county that requested the determination. The city, village, town or county
13 shall publish it as a class 1 notice under ch. 985 in a newspaper designated by the
14 department that is likely to give notice in the area affected. The city, village, town
15 or county shall file proof of publication with the department of natural resources.

16 (b) If the department of natural resources orders a public hearing, the division
17 of hearings and appeals shall mail a written notice at least 10 days before the hearing
18 to each person given a copy of the notice under par. (a) and to each person requesting
19 the hearing.

20 (c) The city, village, town or county requesting the determination shall publish
21 a class 1 notice under ch. 985 of the public hearing in a newspaper designated by the
22 department of natural resources that is likely to give notice in the area affected. The
23 city, village, town or county shall file proof of publication under this paragraph with
24 the hearing examiner at or prior to the hearing.

1 ***-0183/2.20* SECTION 2391.** 252.07 (1) of the statutes is renumbered 252.07
2 (1m) and amended to read:

3 252.07 (1m) ~~Tuberculosis is a communicable disease caused by mycobacterium~~
4 ~~tuberculosis and is~~ Infectious tuberculosis and suspect tuberculosis are subject to the
5 reporting requirements specified in s. 252.05. Any laboratory that ~~performs a test~~
6 receives a specimen for tuberculosis testing shall report all positive results obtained
7 by any appropriate procedure, including a procedure performed by an out-of-state
8 laboratory, to the local health officer and to the department.

9 ***-0183/2.21* SECTION 2392.** 252.07 (1g) of the statutes is created to read:
10 252.07 (1g) In this section:

11 (a) “Infectious tuberculosis” means tuberculosis disease of the respiratory
12 tract, capable of producing infection or disease in others as demonstrated by the
13 presence of acid-fast bacilli in the sputum or bronchial secretions or by chest
14 radiograph and clinical findings.

15 (b) “Isolate” means a population of mycobacterium tuberculosis bacteria that
16 has been obtained in pure culture medium.

17 (c) “Isolation” means the separation from other persons of a person with
18 infectious tuberculosis in a place and under conditions that prevent the transmission
19 of the infection.

20 (d) “Suspect tuberculosis” means an illness marked by symptoms and
21 laboratory tests that may be indicative of tuberculosis, such as a prolonged cough,
22 prolonged fever, hemoptysis, compatible roentgenographic findings or other
23 appropriate medical imaging findings.

24 ***-0183/2.22* SECTION 2393.** 252.07 (1p) of the statutes is created to read:

SECTION 2393

1 252.07 (1p) Any laboratory that performs primary culture for mycobacteria
2 shall also perform organism identification for mycobacterium tuberculosis complex
3 using an approved rapid testing procedure specified by the department by rule.

4 ***-0183/2.23*** **SECTION 2394.** 252.07 (1t) of the statutes is created to read:

5 252.07 (1t) Any laboratory that identifies mycobacterium tuberculosis shall
6 ensure that antimicrobial drug susceptibility tests are performed on the initial
7 isolate. The laboratory shall report the results of these tests to the local health officer
8 and the department.

9 ***-0183/2.24*** **SECTION 2395.** 252.07 (2) of the statutes is amended to read:

10 252.07 (2) The department shall identify groups at risk for contracting or
11 transmitting mycobacterium tuberculosis and shall recommend the protocol for
12 screening members of those groups. ~~If necessary to prevent or control the~~
13 ~~transmission of mycobacterium tuberculosis, the department may promulgate rules~~
14 ~~that require screening of members of specific groups that are at risk for contracting~~
15 ~~or transmitting mycobacterium tuberculosis.~~

16 ***-0183/2.25*** **SECTION 2396.** 252.07 (4) of the statutes is repealed.

17 ***-0183/2.26*** **SECTION 2397.** 252.07 (5) of the statutes is amended to read:

18 252.07 (5) Upon report of any person under sub. (1) ~~(1m)~~ or (1t), the local health
19 officer shall at once investigate and make and enforce the necessary orders. If any
20 person does not voluntarily comply with any order made by the local health officer
21 with respect to that person, the local health officer or the department may order a
22 medical evaluation, directly observed therapy or home isolation of that person.

23 ***-0183/2.27*** **SECTION 2398.** 252.07 (7) of the statutes is repealed.

24 ***-0183/2.28*** **SECTION 2399.** 252.07 (8) of the statutes is created to read:

1 252.07 (8) (a) The department or a local health officer may order the
2 confinement to a facility of an individual who has a confirmed diagnosis of infectious
3 tuberculosis or suspect tuberculosis if all of the following conditions are met:

4 1. The department or local health officer notifies a court in writing of the
5 confinement.

6 2. The department or local health officer provides to the court a written
7 statement from a physician that the individual has infectious tuberculosis or suspect
8 tuberculosis.

9 3. The department or local health officer provides to the court evidence that the
10 individual has refused to follow a prescribed treatment regimen or, in the case of an
11 individual with suspect tuberculosis, has refused to undergo a medical examination
12 to confirm whether the individual has infectious tuberculosis.

13 4. In the case of an individual with a confirmed diagnosis of infectious
14 tuberculosis, the department or local health officer determines that the individual
15 poses an imminent and substantial threat to himself or herself or to the public
16 health. The department or local health officer shall provide to the court a written
17 statement of that determination.

18 (b) If the department or local health officer orders the confinement of an
19 individual under this subsection, a law enforcement officer, or other person
20 authorized by the local public health officer, shall transport the individual, if
21 necessary, to a facility that the department or local health officer determines will
22 meet the individual's need for medical evaluation, isolation and treatment.

23 (c) No individual may be confined under this subsection for more than 72 hours,
24 excluding Saturdays, Sundays and legal holidays, without a court hearing under
25 sub. (9) to determine whether the confinement should continue.

1 ***-0183/2.29*** **SECTION 2400.** 252.07 (9) of the statutes is created to read:

2 252.07 (9) (a) The department or a local health officer may petition any court
3 for a hearing to determine whether an individual with infectious or suspect
4 tuberculosis should be confined for longer than 72 hours in a facility where proper
5 care and treatment will be provided and spread of the disease will be prevented. The
6 department or local health officer shall include in the petition documentation that
7 demonstrates all of the following:

8 1. That the individual named in the petition has infectious tuberculosis; that
9 the individual has noninfectious tuberculosis but is at high risk of developing
10 infectious tuberculosis; or that the individual has suspect tuberculosis.

11 2. That the individual has failed to comply with the prescribed treatment
12 regimen or with any rules promulgated by the department under sub. (11); or that
13 the disease is resistant to the medication prescribed to the individual.

14 3. That all other reasonable means of achieving voluntary compliance with
15 treatment have been exhausted and no less restrictive alternative exists; or that no
16 other medication to treat the resistant disease is available.

17 4. That the individual poses an imminent and substantial threat to himself or
18 herself or to the public health.

19 (b) The department or local health officer shall give the individual written
20 notice of a hearing at least 48 hours before a scheduled hearing is to be held. Notice
21 of the hearing shall include all of the following information:

22 1. The date, time and place of the hearing.

23 2. The grounds, and underlying facts, upon which confinement of the individual
24 is being sought.

25 3. An explanation of the individual's rights specified under par. (d).

1 4. The proposed actions to be taken and the reasons for each action.

2 (c) If the court orders confinement of an individual under this subsection, the
3 individual shall remain confined until the department or local health officer, with the
4 concurrence of a treating physician, determines that treatment is complete or that
5 the individual is no longer a substantial threat to himself or herself or to the public
6 health. If the individual is to be confined for more than 6 months, the court shall
7 review the confinement every 6 months.

8 (d) An individual who is the subject of a petition for a hearing under this
9 subsection has the right to appear at the hearing, the right to present evidence and
10 cross-examine witnesses and the right to be represented by adversary counsel. At
11 the time of the filing of the petition the court shall assure that the individual who is
12 the subject of the petition is represented by adversary counsel. If the individual
13 claims or appears to be indigent, the court shall refer the individual to the authority
14 for indigency determinations specified under s. 977.07 (1). If the individual is a child,
15 the court shall refer that child to the state public defender who shall appoint counsel
16 for the child without a determination of indigency, as provided in s. 48.23 (4). Unless
17 good cause is shown, a hearing under this subsection may be conducted by telephone
18 or live audiovisual means, if available.

19 (e) An order issued by the court under this subsection may be appealed as a
20 matter of right. An appeal shall be heard within 30 days after the appeal is filed.
21 An appeal does not stay the order.

22 ***-0183/2.30* SECTION 2401.** 252.07 (11) of the statutes is created to read:

23 252.07 (11) The department may promulgate any rules necessary for the
24 administration and enforcement of this section, including, if necessary to prevent or
25 control the transmission of mycobacterium tuberculosis, rules that require screening

1 of members of specific groups that are at risk for contracting or transmitting
2 mycobacterium tuberculosis.

3 ***-0183/2.31* SECTION 2402.** 252.073 of the statutes is repealed.

4 ***-0183/2.32* SECTION 2403.** 252.076 of the statutes is repealed.

5 ***-0183/2.33* SECTION 2404.** 252.08 (1) of the statutes is repealed.

6 ***-0183/2.34* SECTION 2405.** 252.08 (2) of the statutes is repealed.

7 ***-0183/2.35* SECTION 2406.** 252.08 (3) of the statutes is renumbered 252.07

8 (10) and amended to read:

9 252.07 (10) Inpatient care for isolated pulmonary tuberculosis patients, and
10 inpatient care exceeding 30 days for other pulmonary tuberculosis patients, who are
11 not eligible for federal medicare benefits, for medical assistance under subch. V IV
12 of ch. 49 or for health care services funded by a relief block grant under subch. II of
13 ch. 49 may be reimbursed if provided by a facility contracted by the department. If
14 the patient has private health insurance, the state shall pay the difference between
15 health insurance payments and total charges.

16 ***-0183/2.36* SECTION 2407.** 252.08 (4) of the statutes is repealed.

17 ***-0183/2.37* SECTION 2408.** 252.08 (5) of the statutes is repealed.

18 ***-0183/2.38* SECTION 2409.** 252.08 (6) of the statutes is repealed.

19 ***-0183/2.39* SECTION 2410.** 252.09 of the statutes is repealed.

20 ***-0183/2.40* SECTION 2411.** 252.10 (1) of the statutes is amended to read:

21 ~~252.10 (1) Counties with populations of more than 25,000 may establish and~~
22 ~~maintain public health dispensaries and, where necessary, branches of the~~
23 ~~dispensaries~~ A local health department may request from the department
24 certification to establish and maintain a public health dispensary for the diagnosis
25 and treatment of persons suffering from or suspected of having mycobacterium

1 tuberculosis ~~or other pulmonary diseases.~~ Two or more counties local health
2 departments may jointly establish, operate and maintain public health dispensaries
3 ~~in order to serve a total population of not less than 25,000. Counties. The department~~
4 shall certify a local health department to establish and maintain a public health
5 dispensary if the local health department meets the standards established by the
6 department by rule. The department of health and family services may withhold,
7 suspend or revoke a certification if the local health department fails to comply with
8 any rules promulgated by the department. The department shall provide the local
9 health department with reasonable notice of the decision to withhold, suspend or
10 revoke certification. The department shall offer the local health department an
11 opportunity to comply with the rules and an opportunity for a fair hearing. Certified
12 local health departments may contract ~~with each other~~ for public health dispensary
13 services. ~~The department and department of revenue shall be notified of the~~
14 ~~establishment of public health dispensaries and any contracts pertaining to the~~
15 ~~dispensaries. If the provider of those services fails to comply, the department may~~
16 suspend or revoke the local health department's certification. The department may
17 establish, operate and maintain public health dispensaries and branches in areas of
18 the state where local authorities have not provided public health dispensaries.

19 ***-0183/2.41*** **SECTION 2412.** 252.10 (3) of the statutes is repealed.

20 ***-0183/2.42*** **SECTION 2413.** 252.10 (5) of the statutes is repealed.

21 ***-0183/2.43*** **SECTION 2414.** 252.10 (6) (a) of the statutes is amended to read:

22 252.10 (6) (a) The state shall credit or reimburse each dispensary on an annual
23 or quarterly basis for the operation of public health dispensaries established and
24 maintained in accordance with this section and rules promulgated by the
25 department.